**TECHNICAL COOPERATION FOR INTELLECTUAL PROPERTY POLICY
IN DEVELOPING COUNTRIES**

ICTSD ROUNDTABLE AND DIALOGUE

Meeting Report

On 11-12 July 2005, ICTSD hosted a roundtable and dialogue to:

- evaluate the current state of play in debates on intellectual property (IP)-related technical cooperation at the multilateral, regional and bilateral levels,
- take stock of existing proposals for ensuring that technical cooperation better enhances the capacities of developing countries to adopt appropriate, coherent and effective positions and policies at all levels,
- explore strategic policy actions and concrete next steps for advancing discussions on improving the design and implementation of IP technical cooperation, and
- consider further work, independent research and new initiatives related to technical cooperation.

The two meetings involved a total of 40 participants, including negotiators, government experts, academics and staff from international governmental organizations and civil society organizations. An opening roundtable discussion included actors from the regional and national level so as to ground discussions in practical experiences. The subsequent dialogue was organized around four sessions. The first three focused on the design, implementation and evaluation of IP technical cooperation. The fourth session addressed the organisation of IP technical cooperation and its institutional framework.

This report has been prepared by ICTSD, under its own responsibility, to draw attention to some of the key issues and challenges discussed at the meeting. The final section of the report provides a synthesis of the range of proposals for next steps that emerged in the four sessions. The meeting itself was off-the-record; no comments in this report are attributed to any individual participants nor are any of the views expressed necessarily shared by all participants.

I. Context and core challenges

The decision to convene a second ICTSD roundtable and dialogue on IP technical assistance was prompted by growing political attention to the challenges of ensuring a development-friendly approach to IP technical cooperation. Following a set of recommendations in the UK government's Commission on Intellectual Property Rights (CIPR) report, the UK Department for International Development subsequently sponsored a workshop engaging a cross-section of donors, providers and developing country partners to reflect on IP technical assistance. At the multilateral level, the 2004 WIPO Development Agenda has also been a catalyst of intensified attention to technical cooperation (amongst other development issues). In 2005, Development Agenda-related discussions at WIPO's Inter-sessional Intergovernmental Meeting (IIM) and the

Permanent Committee on Cooperation for Development Related to Intellectual Property (PCIPD) highlighted that the calls for reform of the conceptualization, quality, delivery and effectiveness of IP technical cooperation extend beyond WIPO to other multilateral, bilateral and private programs. While the focus of the ICTSD Dialogue was not exclusively on WIPO, the Development Agenda proposals and discussion provided an important context for the discussion.

The Roundtable began with an overview presentation by Michel Kostecki of the Enterprise Institute of the University of Neuchâtel on current debates, challenges and proposals for the reform of IP technical cooperation. Kostecki highlighted a broad consensus among those interviewed for his study that IP-related technical assistance has a strategic role to play in the process of economic development, but that it frequently lacks an explicit development dimension. He observed that the discussion of IP technical assistance reflects broader North-South tensions and divergences on the relationship between IP and development. For those satisfied that stronger IP protection is the most development-friendly option for developing countries, the priority for IP technical cooperation is to improve the quantity, efficiency and effectiveness of existing technical cooperation services. For those calling for a more flexible and nuanced approached to IP policymaking in developing countries, improvements in the effectiveness and quantity of 'status quo' technical cooperation could actually prove counter-productive.

Kostecki highlighted that IP-related technical assistance is perhaps more significantly influenced by vested interest groups than other TA activities and is influenced by several kinds of bias: (i) technical assistance is used as a promotional tool by the organisations which fund and/or deliver those programs to encourage a wider acceptance or better implementation of the IP treaties that they administer (provider bias), (ii) technical assistance consultants who are IP experts tend to favour stricter protection of IP rights (expert bias), (iii) IP-related know-how and do-how conveyed in technical assistance programs is focused on developed country experience and concerns (contents bias), (iv) most IP technical assistance programs ignore or underestimate the theory of development stages in the field of intellectual property (ideological bias), and (v) most IP technical assistance programs overemphasise the message that lower standards of IP protection would limit rather than attract FDI (FDI bias). Kostecki emphasised that IP-related technical assistance, as such, is rarely purely technical - the source and nature of the provided assistance has political implications for choices with respect to the design of national IP policies and their distributive impacts.

In terms of the practice of IP technical cooperation, Kostecki emphasized that the effectiveness and impact of IP-related technical assistance is often constrained by "inside the box thinking" on the part of the provider and donor institutions. He also noted that training and related technical assistance require professional skills that are too often lacking among donors and providers.

Several of the issues raised by Kostecki in his presentation were taken up in a series of presentations of national experiences with IP-related technical cooperation (i.e., Thailand, the Philippines, Peru and Ghana). The studies examined issues of needs assessment, the sources and focus of technical cooperation, and the relevance of assistance to the needs and priorities of countries.

Among the specific IP-related challenges highlighted in the various presentations and subsequent discussion were:

- the absence of national IP policies to guide recipient requests for technical cooperation and the absence of any systematic evaluations by countries of the usefulness and impacts of the IP-related technical assistance they have received.
- limited needs assessment by recipient countries. (It was noted that challenges to such needs assessments include empirical difficulties in determining what kinds of policies might best advance national interests, disputes regarding evidence, difficulties making judgements as to what is in the national interest, and lack of coordination within governments.)
- the tendency for governments to accept technical cooperation even if it does not address priority areas.
- the narrow focus on national IP offices as the primary beneficiaries of technical cooperation at the national level. It was noted by one presenter that national IP offices in many recipient countries tend to have a quasi-monopoly position with respect to IP-related technical cooperation and that other stakeholders, both within and outside government, are rarely involved in needs assessment, project design or implementation.
- the over-emphasis on enforcement as compared to helping local businesses and consumers to use and take advantage of the IP system. Some participants noted that assistance for enforcement could more effectively be focused on building positive incentives and stakeholders in the IP system. At present, they emphasised that the prospects for effective enforcement are constrained as there is insufficient practical experience among potential domestic stakeholders and government to ascertain how and in what ways particular approaches to IP policy and enforcement might be in their interests. Where laws have little legitimacy and the rationale is unclear, some participants emphasised that there is little prospect that enforcement efforts will be successful
- the emphasis of much IP-related technical assistance on legal and policy issues rather than business-relevant training and hands-on projects to ascertain the extent to which IP strategies are viable business propositions for various kinds of developing country firms.
- the development of sophisticated IP offices may not count as a high development priority in some developing countries. Several participants suggested that some technical assistance programs might simply be irrelevant to developing countries that have little IP ownership and are not greatly concerned by IP issues.
- the tendency for IP-related technical assistance to encourage and reinforce groups in favour of strengthening the IP system, while rarely engaging with or building the capacity of stakeholders with divergent views on the IP system—whether within or external to government.
- failures on the part of countries to make the best possible use of available assistance. Here, some participants emphasized the importance of careful selection of individual beneficiaries of training as well as efforts to ensure that skills acquired are then used in practice. They noted that participation in trainings and seminars should be based on merit and not as a financial or other reward for government staff. Some participants also noted the difficulties of ensuring staff independence from the interests and perspectives of donors they have significantly relied on for their career advancement.

Participants noted that discussions of technical cooperation over the past few years have helped to generate a useful differentiation of the various types of technical cooperation according to its function: policymaking and legislation development; participation in international standard-setting; IP administration, enforcement and regulation; and promoting national innovation and creativity.

Importantly, there appeared to be wide acceptance that assistance in each of these areas matters—though the priorities of donors may vary and there are differences on how best to provide assistance in each area. In general, there was less debate about technical cooperation aimed at administrative upgrading than for assistance aimed at legislative reform, policy development, implementation and enforcement. Several participants concerned about bias in technical cooperation in the policymaking and legislative area were, for example, simultaneously satisfied with the technical cooperation offered in the area of IP administration. Finally, it was noted that the effectiveness of technical assistance related to international IP negotiations suffers from the underlying fact that it is hard to actually negotiate—in the sense of practicing reciprocity and exchanging concessions—in international IP negotiations given the asymmetry of interests and power involved.

II. Design of IP-related technical cooperation

This session of the dialogue focused on options for improving the design of IP-related technical cooperation so that available resources maximise the capacities of countries to implement development-friendly approaches to IP policymaking. The conversation highlighted the following as core challenges in the design phase:

- the absence of clearly articulated national IP policies against which to assess needs and priorities for IP-related technical cooperation,
- the difficulty of putting into practice the goals of (i) demand-driven technical cooperation, and (ii) independence from vested donor interests,
- the implicit assumption among donor assistance that stronger IP is better rather an emphasis on cooperation that is guided by and serves the development needs of its proposed beneficiaries, and
- limited engagement of a broad range of stakeholders both within and external to the government in IP policymaking.

Participants discussed the content, utility, feasibility and political prospects of guidelines and principles for technical cooperation. It was noted that in the context of the WIPO Development Agenda, the Friends of Development have called for the adoption by WIPO of guidelines and principles to ensure that its technical cooperation is development-focused, comprehensive and coherent; neutral, unbiased, and non-discriminatory; and tailor-made to respond to the expressed and distinct needs of a range of stakeholders. The discussion focused on a background document by Carlos Correa of the South Centre and Carolyn Deere of the Global Economic Governance Programme at Oxford University. This document elaborated on the Friends of Development proposal and sought to develop an approach that might also be relevant for a broader range of participants in IP-related technical cooperation beyond WIPO.

While many of the participants agreed such principles and guidelines would be a useful guide for a range of donors, providers and recipient governments, some participants expressed caution. It was said, for example, that the principles and guidelines do not represent anything new for some donors that already follow most of the suggestions. It was also suggested that it would be better to focus attention on the constraints on the recipient end of the equation. Some participants cautioned that the setting of guidelines could serve as a restriction on the capacity for donors and clients to negotiate freely and creatively among themselves on the best ways of meeting recipient needs.

Some participants highlighted the need to differentiate between particular actors who might take up and use the guidelines and principles. They emphasised that the expectations, objectives and constraints vis-à-vis multilateral organisations are distinct from those related to bilateral donors and non-government providers (whether from the private sector, academia, or NGOs).

Several participants endorsed the notion that multilateral institutions, and in particular, WIPO, should adopt an elaborated set of principles and guidelines as called for by the Friends of Development. Many participants concurred that countries expect neutrality and independence in the provision of technical cooperation by international organisations—indeed, they emphasised that in most developing countries it is assumed that the assistance provided by multilateral organisations is neutral and that this is the source of its legitimacy. It was noted, however, that there is a need to develop common understandings of what key terms—such as 'neutral', 'demand-driven', 'unbiased' and 'independent'—mean in practice and what kinds of structures and procedures are most conducive to making such goals operational. Some participants highlighted, for example, that 'neutrality' might have distinct meanings in particular contexts. Neutrality may, for example, require the incorporation of dissident voices, efforts to respond to and balance controversy, or incorporation of the full range of available options and explanations of why alternatives were not pursued.

Several participants also noted that one could not necessarily realistically expect neutrality or independence from bilateral donors and non-traditional donors. That said, they expressed the view that all donors, providers and recipients should nonetheless be encouraged to adopt and follow a set of similar guidelines that emphasises among other elements, processes and practices that would increase the prospects for development-oriented and demand-driven technical cooperation. Several participants emphasised that the challenge here would be to ensure that the guidelines were used and implemented in practice. The question arose as to who would monitor and enforce such guidelines to ensure they had some practical effect. Some participants noted that even if there were no formal enforcement procedure, the existence of the principles could be a political tool for raising expectations and standards.

Reflecting on the possible adoption of such principles, several participants highlighted the importance of process. They noted that the process of discussing the adoption of guidelines—by the broad range of donors, providers and recipients involved in IP technical cooperation—would in and of itself be a useful contribution as it would serve to prompt institutional introspection about the purposes and format of their assistance programs.

Some participants noted that improved design of technical cooperation will rely upon a clearer articulation of needs and priorities by recipient countries and greater commitment on the part of recipients to make the most effective use of available cooperation to build long-term capacity. They highlighted the importance of promoting national ownership of assistance, continuity of assistance, careful selection of participants in training and capacity building, ensuring that the skills of trained individuals are effectively used by governments, and building effective national decisionmaking processes where by IP offices are not the only stakeholders or decisionmakers. The importance of building the capacity of durable institutions in the country, rather than simply individuals, was also noted. One participant observed that countries may knowingly seek assistance from actors with a particular perspective or bias as a way for them to assess options and understand the range of issues at stake. Several participants emphasised the importance of transparency--ensuring that even where assistance programs are not neutral countries are well-informed about the biases, interests and perspectives to expect from different donors and providers.

In terms of the background note, several participants advocated developing a document that would set out elements and options for Principles and Guidelines for Technical Cooperation that different actors could use and adapt to their institutional settings. Several participants distinguished this from a distinct set of guidelines applicable to multilateral organisations engaged in IP-related technical cooperation. In this respect, they noted the particular importance of elaborating key components of principles and guidelines already under consideration at WIPO as part of the Development Agenda, such as the challenge of operationalising the concept of neutrality. Several participants suggested the use of Annexes to the Guidelines to provide specific checklists, advice and case studies of 'best practices' for the provision of assistance in particular areas (legislative reform, administration, enforcement, national innovation systems), sectors (health, agriculture, traditional knowledge, industry, etc), and phases of technical cooperation (needs assessment, design, implementation, and evaluation). Some participants suggested that these annexes might also be developed into a more general Manual on Technical Assistance and Cooperation that could also touch on the special needs of LDCs and low-income countries, IP management and use of the IP system by SMEs. In terms of the text of the principles and guidelines, several participants emphasised the need to keep the document simple, clear and IP-specific.

Participants also addressed the influence of the program and budgeting process of multilateral organisations in terms of the focus and structure of technical cooperation provided to developing countries. The discussion focused primarily on WIPO and was aided by a background note, compiled by ICTSD, on WIPO's Program and Budget process. Several participants drew attention to the need carefully to evaluate both WIPO's internal process for allocating budgetary resources for technical cooperation and the process of negotiation among individual countries/regions and WIPO. They emphasised the importance of full engagement by developing countries in the relevant budget and programming processes in international organisations.

III. Implementation of IP-related technical cooperation

Participants engaged in a discussion regarding a proposed code of ethics for individual providers engaged in the delivery of IP technical cooperation. A draft document setting out proposed elements of such a code was presented by Carolyn Deere of the University of Oxford's Global Economic Governance Programme. Participants' comments focused on questions about the usefulness, effectiveness, monitoring and enforcement of such a code.

Several participants lamented the lack of a professional body for providers of technical cooperation and noted that in many other fields—such as accountancy, law and medicine—individuals are held to clear shared standards and norms regarding acceptable, professional conduct and practice. They noted that Codes of Ethics/Conduct are also widely used in government ministries, national ministries and international public institutions. In particular, they mentioned codes in use at the World Bank as well as the staff rules and obligations with which all UN staff are required to comply.

Some participants raised questions about the practical need, utility and implementation of a code. In discussing these points, several participants noted the importance of clearly delineating to whom providers are accountable, who would monitor a code and how, and what kinds of actions could be taken in cases of violation of such a code. They emphasised the importance of both donors and recipients in the development cooperation relationship—and as such highlighted that perhaps moreso than in other sectors or spheres in which codes of ethics are in operation—the loyalty of the provider to his/her 'clients' may be shared between the donor and the recipient country for whom useful advice is intended.

Other participants agreed that despite limitations, a code could add value in the following ways:

- to help address concerns about bias and to promote greater transparency and accountability in the provision of IP-related technical assistance, particularly in the area of legislative and policy reform.
- to raise professional standards in the delivery of IP-related technical cooperation.
- as a normative standard for use by bilateral and non-traditional providers of technical cooperation, and by recipients. Supporters noted that while the diffuse nature of such guidelines might constrain actual enforcement, the existence of such guidelines would help to set a professional standard against which providers could be help accountable. They highlighted the importance of presenting the core elements of potential codes in the simplest possible way so that this could be taken up by different actors.
- as an attachment to contractual arrangements made among donors, providers, and consultants.
- as an internal policy document for adoption by the Member States of international organisations to explicitly address elements such as.
    - independence, neutrality and objectivity,
    - conflict of interest
    - gifts and forms of payment
    - protecting confidential information
    - fraud and corruption

It was noted that where adopted by international organisations, the Code should refer to UN and International Civil Servant Commission guidelines regarding the obligations, rights and conduct of staff and consultants.

In terms of donor practices related to the Code, several participants responded positively to the suggestion that the Code should include a commitment by donors to competitive, open processes for selecting consultants, including the publication of public rosters of consultants and putting in place mechanisms to address fraud and corruption.

The importance of an institutional process for the elaboration and adoption of the Code was emphasised. It was said that an internal process would be vital for promoting institutional ownership, to assist in stimulating changes in organisational conduct necessary to implement the Code, and to devise an internal process for the implementation, monitoring and enforcement of the Code. Several participants noted that the effectiveness of the Code will depend significantly on the institutional context, incentives and commitment of top management.

IV. Evaluation of IP-related technical cooperation

Many participants in the group noted that there seemed to be growing consensus among donors and recipients of the usefulness of increased evaluation of IP-related technical cooperation. Several participants noted that the lack of evaluation of existing IP technical cooperation makes it difficult to pinpoint exactly what kinds of problems exist, how pervasive they are, and what kinds of procedures could serve as an adequate response.

It was noted by some participants that several distinctive aspects of IP-related technical cooperation make evaluation particularly vital: the controversial nature of international obligations; the lack of evidence and knowledge about relationship between particular IP policies and distinct development goals; the higher than average degree of business (IP right holders) interests and involvement in IP policymaking and strong potential benefits to them; and the highly technical nature of the issues under discussion. In this context, some participants highlighted that more independent evaluation would serve not only to improve the quality and impact of technical cooperation, but that it could also serve to bolster the credibility of providers, address perceptions regarding the legitimacy and neutrality of assistance (where they exist), and to generate more cost-effective strategies for achieving particular goals.

The discussion in this session highlighted that increased attention to evaluation requires: (i) political will, and (ii) efforts to elaborate benchmarks and indicators for evaluation. On the latter note, several participants suggested that it would be useful to build on evaluation guidelines already in place in the broader field of development cooperation. It was noted that IP-related technical cooperation appears thus far to have been insulated from the broader best practices and norms of the broader field—particularly in the case of bilateral assistance provided by national IP offices (which are not part of the broader development community). Particular emphasis was put the need to build on existing lessons and practice with respect to evaluation of development assistance—and in particular to build on the processes, benchmarks and indicators contained in existing international guidelines (such as the evaluation principles developed by the OECD's Development Assistance Committee (DAC) and the World Bank, as well as by many bilateral aid

agencies). Several participants noted that many multilateral and bilateral donors already have well-designed evaluation systems, noting that the task now is to apply them to the realm of IP. The problems, they suggested, are not ones of insurmountable analytical or conceptual difficulties with devising appropriate evaluation metrics—but rather ones of deciding that evaluation requires attention and making appropriate institutional decisions.

Several procedural suggestions emerged. Some participants suggested the need for developing countries to request donor evaluations of their assistance and peer reviews by donors of their assistance (as already occurs on the auspices of the DAC for broader development cooperation programs). In addition, several participants highlighted the importance of beginning a process among donors, providers, recipients and experts in technical cooperation in the elaboration of indicators for evaluation of IP-related technical cooperation. There was also discussion among some participants about how a stronger commitment to evaluation might be taken up institutionally. Some participants targeted their comments to WIPO—noting the particular importance of ensuring that its resources are used effectively given its central role in technical cooperation. In this respect, several participants endorsed the proposal by the Friends of Development for the establishment of an independent WIPO Evaluation and Research Office which, among other tasks, would monitor and evaluate the design, delivery and implementation of WIPO technical assistance activities. These participants noted thatthe creation of similarly independent, internal units charged with evaluation has become increasingly standard practice in international multilateral organisations. They cited the World Bank's Operations Evaluation Department (OED) as a model worthy of closer examination.

Finally, while there may be broad interest in improving evaluation of technical cooperation, some participants noted several challenges that can be expected to arise. In particular, the purposes for which evaluation is being conducted may differ significantly among players depending on their underlying goals. As is the case in the field of trade-related technical cooperation more broadly, a core challenge is that many of the donors in IP-related area have distinct national interests at stake which they hope to advance through development cooperation. In the realm of IP, some donors will want to evaluate whether they got adequate 'bang for buck' in terms of stronger IP protection; others will be keen to investigate whether the assistance provided was adequately tailored to development needs. Some participants noted the particular challenge of evaluating the neutrality or independence of assistance when there are simply differences of opinions on the usefulness of particular IP policy options.

V. Institutional Framework

The participants in the meeting discussed a series of options and considerations related to the institutional framework for IP technical cooperation. The key question that arose was whether alternative organisational structures for the provision of IP technical cooperation might better deliver development-oriented outcomes. Some participants argued that the organisational framework for the provision of IP technical cooperation is satisfactory—even if there is room for improvements in the quality and nature of assistance. Some argued that current arrangements might be usefully complemented by efforts to increase transparency of what various donors are doing in each country. Other participants argued that there is a need to improve the organisation

of IP technical cooperation as a key to ensuring that it is demand-driven, effective and advances developing country interests. Specifically, some argued for the exploration of alternatives which might better position developing countries as decision makers in the area of technical cooperation and which would 'de-link' assistance from ongoing norm-setting processes and from particular donors interests.

A second strand of discussion took up the question of the appropriate balance between coordination, diversification and competition in the provision of technical cooperation. Some participants stressed that calls for greater transparency and coordination of some aspects of IP technical cooperation should not be misinterpreted as a call for a unified or 'one-size fits all' coordination with respect to the nature of assistance provided to particular countries. Instead, they argued that greater competition and diversification with respect to the allocation of funds, choice of providers, and possible modes of technical assistance. Specifically, it was mentioned that tensions among alternate donors and providers might serve a positive purpose—helping countries to understand the range of trade-offs and options before them. Some participants also raised the question of whether there might be a need for accreditation of agencies involved in provision of technical cooperation.

A significant portion of the discussion focused on multilateral technical cooperation efforts, particularly those of WIPO. Some participants advocated the need to consider whether moving the policy and legal reform component of the technical cooperation provided by WIPO to an independent institution might address the issues of tensions between its respect norm-setting and technical cooperation functions. They offered the examples of the Advisory Centre on WTO Law and the World Bank Institute as models to draw on. Other proposals mentioned included the consideration of whether an Integrated Framework type approach to technical cooperation might allow for better transparency and representation of developing country interests in the process of the design of technical cooperation. Some participants highlighted the need to learn from the Integrated Framework approach--which begins with a comprehensive needs assessment for each country and the development of a strategy to guide technical cooperation. A further attraction of the Integrated Framework style-approach is that it brings all donors and the recipient country together, increasing the prospect that the provision of technical cooperation will be preceded by some kind of strategic assessment of priorities. One participant suggested that while one should expect neutral and objective assistance from WIPO and the WTO, one should not expect them to do too many new things--but rather to diversify the sources and providers of assistance to serve those roles that multilateral donors do not seem well positioned to provide. This in turn prompted a discussion of institutional mechanisms that might allow countries to have greater flexibility as to the choice of technical assistance donors and providers. One proposal here was that, within a given budget, countries should be able to approach such a mechanism for assistance in selecting from a range of possible technical assistance sources (WIPO, NGOs, bilateral aid, private companies, universities, etc)—this would mean that the most responsive, effective, and targeted providers would earn the greatest respect and business from countries.

VI. Possible Next steps

This section summarises some of the specific next steps proposed by participants in the meeting that targeted specific actors in the realm of IP technical cooperation. None of these recommended next steps necessarily reflects the consensus view of the participants; rather the list compiles those proposals that garnered the most attention at the meeting.

In terms of general recommendations, suggestions included the following:

- the need for consultations with a broad range of stakeholders within and external to government in the design and implementation of technical cooperation.
- an increase in the scale of resources available for IP technical cooperation.
- the need to tailor advice and assistance to the different levels of development and for a more demand-driven, long term and less ad-hoc approach.
- the importance of improving the quality of technical cooperation, including guidelines on recruitment of providers and training of providers in conducting professional technical assistance, feedback and evaluation.
- a commitment to capacity building among a broader cross-section of stakeholders within and external to government. This would include: greater support for hands on activities to engage local businesses and researchers in making use of the IP system; greater support to public interest groups to consider interests beyond those of rights holders, and support to non-IP agencies within governments to understand the issues at stake.
- improved indicators and benchmarks for the evaluation and audit of IP technical cooperation and stronger commitment to conducting evaluations and incorporating feedback.
- greater support for independent actors and dissident voices to act as providers, experts and participants in technical cooperation programs.
- greater transparency, information-sharing and monitoring of technical cooperation.
- a shift in focus regarding enforcement from a preoccupation with legal measures toward efforts that promote a positive, business-oriented approach to understanding how best to use the IP system.
- elaboration of a manual of best practices in IP technical cooperation and case studies.

A range of specific recommendations also emerged to be taken up by IGOs, governments and NGOs with respect to particular kinds of actors in the realm of technical cooperation, for example:

WIPO

The following recommendations emerged for consideration by WIPO Member States:

- elaboration and adoption of guidelines and principles for IP-related technical cooperation,
- adoption of a code of conduct for providers of technical cooperation,
- elaboration and use of benchmarks and indicators for the evaluation of IP-related technical cooperation building on broader guidelines for development cooperation,

- further analysis of the pros, cons and feasibility of proposals for the establishment of an independent unit, process or mechanism within WIPO to implement technical cooperation in the areas of policy and legal advice,
- Promote greater developing country engagement in WIPO's budget and program process.

Other International Organisations

A range of participants also noted the opportunity for all international organisations engaged in IP-related technical cooperation to enhance the neutrality, transparency, development-orientation, credibility and effectiveness of their programs through, for example:

- elaboration and adoption of institutional guidelines and principles for IP-related technical cooperation that focus on the importance of neutrality and independence of technical cooperation,
- refinement of elements for a code of conduct for providers of IP technical cooperation (to be adopted by each institution) and the further development of ideas with respect to monitoring and enforcement of such codes,
- elaboration and use of benchmarks and indicators for the evaluation of IP-related technical cooperation building on broader guidelines for development cooperation,
- participation in a process among donors and recipients for the elaboration of evaluation indicators,
- establishment of a transparency and coordination mechanism for technical assistance among a variety of donors and recipients, and
- devising internal procedures to minimise the incidence of fraud and corruption in the provision of IP-related technical cooperation (such as, for example, the application of the code of conduct, and principles and guidelines).

Bilateral and non-traditional donors and providers

Beyond the key multilateral organisations, many participants noted the importance of improvements in the way that bilateral donors and the actual providers of IP-related assistance conduct their activities to enhance the transparency, development-orientation, credibility and effectiveness of their programs. Suggestions included the elaboration and adoption of general principles and guidelines for technical cooperation (including consideration of monitoring and enforcement mechanisms) and further refinement and adoption of codes of conduct to promote transparency, accountability and strong professionalism.

Recipient countries and regional bodies

Finally, several recommendations arose from among the participants relevant to recipient countries and regional bodies, namely:

- participation in the elaboration and use of guidelines and principles for IP-related technical cooperation to guide relations with donors, needs assessment, and the design of programs,

- participation in the elaboration of benchmarks and indicators for the evaluation of IP-related technical cooperation that can be used by national and regional agencies to assess the relevance and usefulness of IP-related assistance,
- participation in the elaboration of codes of conduct for providers of IP-related technical cooperation and the adoption of internal procedural measures to refer to such codes in the selection and evaluation of providers.
- elaboration of options/lessons regarding multi-stakeholder and multi-agency processes for consultation at the national level for the establishment of national IP policies and related IP technical cooperation needs and priorities (including, for example, a case study of the institutional and procedural aspects of existing national experiences in this respect).
- expanding the range of recipients of IP-related technical cooperation within countries to include non IP-related agencies and non-governmental stakeholders.
- devising internal procedures to minimise the incidence of inefficiency, fraud and corruption related to technical cooperation programs.