

Program and Budget Committee

Thirty-Third Session Geneva, September 13 to 17, 2021

UPDATE ON THE STATUS AND PROGRESS OF SUBMISSIONS BY MEMBER STATES ON VIEWS ON THE PREPARATIONS OF THE TERMS OF REFERENCE OF THE 2021 EVALUATION OF WIPO EXTERNAL OFFICES

prepared by the Secretariat

1. Following the discussions on Agenda Item 10, Terms of Reference of the 2021 Evaluation of WIPO External Offices, during the 32nd session of the Program and Budget Committee (PBC) in July 2021, the PBC reached the following decision:

“The Program and Budget Committee (PBC) took note of the interventions and with the aim to develop the Terms of Reference (ToR) for the Evaluation of WIPO External Offices, requested the Secretariat:

- *To invite all interested Member States to send their views in writing on the preparations of the ToR; and*
- *To provide an update on the status and progress of submissions by Member States at the 33rd session of the PBC for further discussion and consideration.”*

2. On July 30, 2021, the WIPO Secretariat sent C. N 4078 requesting all interested Member States submit their views concerning the Terms of Reference of the 2021 Evaluation of WIPO External Offices by August 27, 2021. The submissions received by the Secretariat as of August 27, 2021 are in the Annex in the order that they were received.

3. The following submissions have been received: Chile, Brazil, Republic of Korea, Japan, Pakistan, Group B, Slovenia and Russian Federation.

[Annex follows]

Chile's Views on Terms of Reference of the Evaluation of WIPO External Offices

On July 30, the International Bureau of the World Intellectual Property Organization (WIPO) issued Circular No. C.N4078 on the decision by the Program and Budget Committee, taken at its thirty-second session (July 12 to 16, 2021), regarding the "Terms of Reference of the 2021 Evaluation of WIPO External Offices".

In that regard, Chile wishes to make the following remarks:

1. An independent body outside the Organization should conduct the evaluation of external offices in order to ensure its neutrality and objectivity.
2. The terms of reference for the process should provide for common parameters in assessing how each external office performs in terms of adding value and increasing efficiency and effectiveness in program delivery (as per the Guiding Principles). The recommendations made by the External Auditor and contained in document WO/PBC/31/3 should also be taken into account.
3. The terms of reference should include a detailed cost analysis for each office and a breakdown of the amounts provided by their host countries, enabling a comparison between the two. The cost analysis should be based on the respective amounts for the past biennium.
4. The terms of reference should also provide for the performance of a comparative analysis of each office's action plans and respective compliance reports, highlighting governance in each office, the distribution of activities and any special characteristics of those activities.
5. Further, metrics should be built in to allow an assessment of the offices' impact in their respective host countries, including with regard to: cooperation, awareness-raising and outreach activities aimed at new users.
6. Lastly, provision should be made for a final comparative analysis showing how the offices comply with the guiding principles and objectives of WIPO and setting out clearly the costs and benefits of each office. As far as possible, the terms of reference should also be aimed at determining recommendations on how to align the external offices with the Organization's Medium-Term Strategic Plan.

Brazil's Views on Terms of Reference of the Evaluation of WIPO External Offices

The Permanent Mission of Brazil to the WTO and other Economic Organizations in Geneva presents its compliments to the International Bureau of the World Intellectual Property Organization (WIPO) and has the honor to refer to document C. N 4078, dated 30 July 2021, whereby the International Bureau of WIPO invites all interested Member States to send their respective views on the preparations of the "Terms of Reference of the 2021 Evaluation of WIPO External Offices".

2. In that regard, Brazil believes that the process for establishing the terms of reference (ToR) for the evaluation of WIPO External Offices (EOs) should be Member-driven and conducted in an inclusive and transparent manner, with the Secretariat playing a key guiding and supporting role, given its core responsibilities on the establishment of a sustainable, adequately sized network of EOs that adds clear value, efficiency and effectiveness of the Program of Work and Budget 2022/23, in a coordinated and complementary way with WIPO HQ that may otherwise not be achieved through operations at WIPO HQ.

3. In this context, a zero draft of the ToR could be elaborated based on factual and technical reports shared by Member States, including comments and recommendations on mandate and purpose, needs assessments, demands and opportunities, scope of activities, delivery of services, policy and technical support to national IP Offices and etc. During the evaluation stage, the host countries and their respective external offices should be timely and adequately consulted.

4. The methodology to be used in such evaluation should take into account, inter alia, the different profiles, mandates, contexts and circumstances of existing external offices, as well as the diverse aspects and levels of development among of host countries and of local IP ecosystems. Such methodology should as well consider EOs as an integral part of WIPO's results-based management and regulatory framework; thus, contemplating EOs performance indicators, monitoring of activities and results achieved.

5. The evaluation could also offer recommendations on ways to reform and modernize WIPO's network of EOs, including a feasibility analysis of prospective EOs, taking into account the financial and budgetary implications and efficiency savings of expanding the current network of EOs, in accordance with the Medium-Term Strategic Plan (MTSP) 2022-2026, the Program of Work and Budget for 2022/23 and WIPO's mandate.

6. Recognizing WIPO's bounded capacity to open new EOs, and desirous to take a phased and prudent approach when expanding the current network of EOs, the evaluation could also include considerations on existing EOs conducting approved WIPO program activities within a group of countries or Regional Group, as agreed by the Member States involved, without prejudice to the scope of the existing EOs.

7. Finally, and in accordance with the Member-driven nature of this exercise, Brazil looks forward to ToR proposals that may be circulated by Member States, including but not limited to a proposal recently foreshadowed by the delegation of the Russian Federation, which will be analyzed in due course.

Republic of Korea's views on the preparation of the Terms of Reference for the 2021 Evaluation of WIPO External Offices

The Republic of Korea would like to express our appreciation for WIPO's efforts to develop the "Terms of Reference for the 2021 Evaluation of WIPO External Offices" (hereinafter referred to as "Terms of Reference").

The WIPO External Offices are very important in catalyzing what WIPO can offer as the extended arms of the Organization; and the Republic of Korea hopes for the smooth implementation of the **2019 WIPO General Assembly's mandates on External Offices**.

Principally, the Republic of Korea believes that the Terms of Reference are required to be fully aligned with the **Guiding Principles regarding WIPO External Offices**. In addition, there are **14 indicators used to measure the performance of external offices within Program 20** of the WIPO Performance Report which will be good starting points to modify and continue discussion on the Terms of Reference.

- For example, one of the performance indicators is the "Number of countries that have ratified or acceded to the treaties administered by WIPO". This indicator would be necessary for evaluating the WIPO External Offices **as a whole**, however, may not be appropriate to evaluate **each of the WIPO External Offices individually**; and thus, the Republic of Korea thinks that this indicator may need to be modified accordingly.
- As the 2019 Report of External Auditor mentioned, four of the indicators (PCT, Hague, Madrid system and the effective use of IP for development) measure the percentage of stakeholders reporting an "enhanced understanding" of the IP systems following their engagement in external office activities. However, **these measures do not provide any indication of the volume of stakeholders with an enhanced understanding**. Further, the **volume of applications for PCT, Hague and Madrid** can be considered as one of the indicators because the changes are in the result of the activities of an external office.
- From the perspective of the Republic of Korea, the 14 indicators are mainly focused on IP creation (PCT, Madrid and Hague system, etc.) and IP utilization (use of IP for development, IP based platforms, etc.). However, we believe that IP protection (Building respect for IP and Enforcement, etc.) is also one of the importance factors to create an IP friendly ecosystem and thus, we propose the addition of **new indicators related to IP protection**.

Finally, the Republic of Korea looks forward to the WIPO Secretariat's more active engagement in conducting the evaluation given their expertise.

The Republic of Korea stands ready to have constructive discussions with Member States for this agenda.

Japan's Views on Terms of Reference of the Evaluation of WIPO External Offices

August 2021

1. General Statement

- It is important that an evaluation of the entire network of WIPO External Offices (EOs) be conducted in accordance with an unbiased, fair, and highly transparent procedure.
- The WIPO General Assembly adopted the Guiding Principles Regarding WIPO External Offices (A/55/INF/11) (the "Guiding Principles") as the principles for opening new EOs. Several key things to note in opening new EOs, which are stated in the Guiding Principles, will be a very useful also for evaluating the existing network of EOs.
- Although the individual circumstances and mandates of the EOs are different, it is necessary to develop some standard criteria to use for making evaluations when considering the Terms of Reference, i.e., the points used to evaluate and the evaluators. We should consider the idea of using the Guiding Principles as the criteria because they have been already discussed, shared, and agreed upon by the Member States.
- Japan would like to state its views on the viewpoints and evaluators as follows.

2. Evaluation viewpoints

- It is appropriate to develop basic evaluation viewpoints based on the Guiding Principles. The basic scope of activities in the EOs is stipulated in Paragraph 7 of the Guiding Principles. One idea might be to use the points stated in the Guiding Principles' for evaluating the performance of the EOs.
- Also, when opening new EOs, it is essential to discuss what kind of activities candidate EOs can conduct. Therefore, when considering the points used for evaluating the performance of the existing EOs, we should focus on how the basic scope of activities has been implemented in terms of contributing to advancing discussions on the opening of new EOs. Japan would like to list some specific examples of viewpoints that should be used for evaluations, in response to the following items:

"(i) Collaboration with the national IP office to support and advance the Organization's program delivery:"

- * In what ways are the EOs implementing collaborations between the WIPO and IP offices?

"(ii) Enhancement of innovation and creativity, including by promoting effective use of IP services:"

- * In what ways are the EOs conducting initiatives for users of the IP systems, especially for SMEs, startups, and young people, to enhance innovation and creativity?

"(iii) Raising awareness, understanding and respect for IP:"

- * What activities are the EOs conducting for SMEs and startups to raise their awareness on the importance of the IP system?
- * What kind of information are the EOs providing in order to raise public awareness, understanding and respect for IP?

"(iv) The delivery of customer services to users of global IP services, including treaties and conventions administered by WIPO:"

- * What kind of services are the EOs providing to users of global IP services?

“(v) Assistance for using IP as a means for promoting development and transfer of technology:”

- * What activities are the EOs conducting to achieve the Sustainable Development Goals (SDGs)?
- * What activities are the EOs conducting to promote the effective use of IP?

“(vi) The provision of policy and technical support to national IP offices to increase the use of IP:”

- * What kind of activities are the EOs conducting as policy and technical support for IP offices?

3. Evaluators

- Paragraph 22 of the Guiding Principles states that “[T]he size and performance of the entire EO network shall be evaluated every five years by the PBC, which may request the support of WIPO External Auditors or independent external evaluators, with due regard to the different mandates and functions performed by the EOs. The terms of reference of such evaluation shall be decided by the PBC.”
- In order to appropriately evaluate the performance of the EOs, it is essential to gain a deep understanding of the background of how the EOs were established and their current operating procedures. Based on this, it would be appropriate for the Internal Oversight Department (IOD) that fully understands WIPO’s organization that includes the EOs, to work as an evaluator and report the results of its evaluation to the PBC. Also, in order to enhance the fairness and transparency of the results of evaluations, it would be desirable to receive support, when necessary, from third parties such as WIPO External Auditors and independent external evaluators.
- Also, in order to appropriately reflect the current state of operating procedures at all of the EOs, it would be appropriate to arrange an opportunity in which the EOs themselves will participate in the evaluation process and provide replies or opinions to the criteria used for making the evaluations.
- Japan would like to continue contributing to fruitful discussions on the Terms of Reference in the PBC.

Pakistan's Views on Terms of Reference of the Evaluation of WIPO External Offices

Pakistan attaches great importance to the external evaluation of the entire network of WIPO External Offices (EOs). Over the years, the issue of opening new EOs has been politicized primarily due to mismatch between the number of EOs that could be opened in a given biennium and the number of applicant countries. Although Pakistan is not an applicant for hosting an EO, Pakistan delegation has actively participated in discussions concerning EOs at the Program & Budget Committee (PBC) as well as at the General Assembly (GA).

2. Pakistan's consistent position on the issue is guided by the principles of neutrality, objectivity, inclusiveness, transparency as well as the "Guiding Principles Regarding WIPO External Offices" agreed by the General Assembly in 2015 and the recommendation contained in the External Auditor's Report submitted during the 31st session of the PBC. These Guiding Principles and recommendations of the External Auditor offer important insights for the development of the TORs and the subsequent evaluation.

General Consideration

3. In line with Guiding Principles and External Auditors Report, some general considerations for the development of TORs are:

- a) Para 11 of the Guiding Principles state, "All EOs are an integral part of WIPO's results-based management and regulatory framework. Once the EO is established and operational, its performance and activities will be monitored and evaluated based on the performance indicators and targets, and reported to the PBC which will, in turn, transmit its recommendations to the General Assembly, as appropriate." The evaluation may incorporate relevant information, and observations including the frequency of monitoring and evaluation of the EOs over the years, based on relevant WIPO performance indicators and targets.
- b) Para 22 of the Guiding Principles states, "The size and performance of the entire EO network shall be evaluated every five years by the PBC, which may request the support of WIPO External Auditors or independent external evaluators, with due regard to the different mandates and functions performed by the EOs. The terms of reference of such evaluation shall be decided by the PBC." It is therefore of crucial importance for the evaluation to be conducted by an independent external evaluator or WIPO External Auditors and the overall process to be led by the PBC, including the development of the Terms of Reference (TORs). While WIPO External Auditor is already engaged with the overall audit of the Organization, evaluation by an independent external auditor may be considered.
- c) The TORs may be developed through an inter-governmental process within PBC. For instance, an Intergovernmental Working Group of interested Member States, headed by the Chair of the PBC, may develop the draft TORs during the intersessional period, to be submitted to the PBC and later to the GA for finalization. The Secretariat may provide technical and logistical support in the preparation of TORs. Pakistan stands ready to participate in the work of any intergovernmental body established to develop the TORs.
- d) It is important to allow sufficient time for the planned evaluation. Due to truncated agendas and limited time period of the PBC sessions since last year, the Committee was unable to have substantial discussions concerning the development of TORs. The 31st PBC recommended to the General Assemblies "to refer, as appropriate, to its decision contained in document A/59/13 ADD.4 to ensure sufficient time is allowed for the

finalization of the evaluation”. This recommendation may be appropriately considered in the timeframe of the evaluation in the TORs.

- e) Since the opening of new EOs is linked to the planned evaluation, it would be useful if the evaluation also examines the process and feasibility of opening of new offices. This would guide the work of the PBC to arrive at the criteria for selecting the host countries.

Specific Proposals on the Contents of the TORs

4. The TORs may be developed such that the evaluation may inter alia answer the following questions:

- a) Do the activities of EOs, add measurable added value, efficiency and effectiveness to WIPO's program delivery? An empirical and objective criterion should be devised to measure these factors appropriately.
 - b) How closely the activities of the EOs are aligned with WIPO's Strategic Plan?
 - c) What percentage of EOs activities are also performed by the Secretariat through online or in-person activities?
 - d) Can the objectives achieved through the EOs be partially or completely achieved otherwise through WIPO Headquarters?
 - e) WIPO has shifted most of its activities online during the pandemic. According to WIPO Performance Report of 2020, “the Organization managed an unprecedented move to fully-remote working in a matter of weeks, allowing it to run at 90 per cent productivity three weeks after the beginning of the crisis. Can the online platforms developed during the pandemic partially or completely take over the role of existing or future EOs? It would be useful to carry out a cost-benefit analysis of delivering activities either through the EOs or through WIPO Headquarters.
 - f) How frequently the Independent Oversight Division has undertaken an audit of the operations of the EOs?
 - g) Do the activity reports and plans prepared by the EOs align with the agreed work plans of the respective EOs?
 - h) Which indicators are used to measure the performance of the EOs?
 - i) What measures can be adopted to enhance the oversight and accountability of EOs?
 - j) What are the criteria for budget allocation among different EOs? It would be useful to have a chart displaying budget allocated to the EOs and their expenditure since their inception.
 - k) Is there a Strategy Document to guide the activities of EOs?
 - l) Why the Secretariat has been unable to provide a factual and technical report on new EO proposals by the Member States as set out in the Guiding Principles (para 3bis and 11)?
 - m) What measures can be taken to allow the Secretariat to present a factual and technical report on the proposals of the Member States?
 - n) Is there a need to review the Guiding Principles?
 - o) Would it be useful to develop a standard template for Member States to use when submitting their EO proposals?
 - p) What is the progress on the recommendations contained in the External Auditor's Report submitted during the 31st session of the PBC? It would also be useful to track if the previous reports of the External Auditor provided any recommendations concerning the EOs.
-

Group B's Views on Terms of Reference of the Evaluation of WIPO External Offices

In response to WIPO circular C. N 4078 of 30 July 2021 and in line with the decision of the 32nd session of the WIPO Program and Budget Committee, Group B submits the following views in writing on the preparations of the Terms of Reference of the independent Evaluation of WIPO External Offices.

Group B generally believes that the evaluation should encompass the following general principles and objectives, key principles and criteria, as well as relevant practices and methodology with a view to: enumerating an unbiased, uniform and transparent assessment tool to provide an accountable, effective and informative evaluation to Member States
Group B reserves the right to submit further views.

General Principles and Objectives

- The evaluation must be independent, i.e. carried out by an independent / neutral organisation and/or individual, knowledgeable in IP and innovation.
- The evaluation must be done in a transparent manner, i.e. with a clear set of criteria, outcomes and recommendations.
- The preparations must keep in mind that this refers to an evaluation of WIPO external offices network that helps delivering WIPO objectives within the WIPO organisational structure. Therefore, the WIPO Secretariat is best placed to draft the ToRs.
- Drafting of the ToRs should not lead to further politicization of the WIPO External Offices dossier. Member States should be allowed sufficient time to consider the draft ToRs, at least 4 months ahead of a formal discussion within the Program and Budget Committee.
- The evaluation methodology should assess performance using all relevant performance indicators and targets, taking into account users' and stakeholders' feedback; the Evaluation should make references and integrate appropriate international principles on evaluations and audits.
- The evaluation should make recommendations, where warranted, to improve the efficiency and effectiveness of individual EOs or the network of EOs toward informing "a clear strategy to underpin the development of the network" and whether "to expand or contract the network as necessary", as identified and recommended by the External Auditor.
- The Secretariat should be responsible for monitoring the implementation status of management actions and timeframes related to evaluation recommendations, in consultation with the PBC, as appropriate.
- The evaluation framework should be homogeneous, guided by WIPO general interests rather than specific national or regional interests, and apply equally to all EOs.
- The evaluation should reflect the fact that EOs are solely WIPO entities, to be evaluated in relation to the WIPO results-based management framework.
- Paragraphs 2.1-2.31 of the 2020 External Auditor's report (WO/PBC/31/3) must be taken into account when drafting the ToRs.
- The Guiding Principles (A/55/INF/11) are a relevant resource to develop criteria for the ToRs.
- Our collective aim should be a robust set of ToRs leading to a robust and useful independent evaluation, not subject to unrealistic deadlines.
- It is important to keep the evaluation process, objectives, and indicators as consistent as possible across all EOs to ensure transparency and fairness in the final evaluations.

Key principles to be included in the ToRs (non-exhaustive list):

- Task the evaluator with an overview of activities of External Offices and how these contribute to WIPO objectives. List the "what" (e.g. events, trainings, cooperation with local IP Offices, infringement reports) and the "how" (e.g. encouraging and rewarding innovation, minimising bureaucracy, legislative support, providing tools and services) and also the "to what end" in a measurable way.

- Present a set of indicators that are uniform/consistent between offices to be able to evaluate performance of individual External Offices.

Criteria to be included in the ToRs (non-exhaustive list):

- Number of contacts and, in particular, SMEs and start-ups.
- Quantity and quality of information provided and requested by EO's engagements.
- Evaluation of the basic scope of activities contained in paragraph 7 of the Guiding Principles
- Distinction of individual External Offices and their remit and mandate.
- Impact measured against delivery of WIPO objectives and expected results.
- Assessment of feedback by stakeholders and users of External Offices' services.
- Evaluation of the budget, including contributions by host countries, allocated to the work of individual External Offices and achieved outcomes (e.g. updated legislation; improved local practices; reduction of counterfeits; increased awareness; increased number of IP-filing entities, in particular SMEs) by the EOs as a result.
- Use of resources and value for money, in particular when measuring performance against program and budget workplans.
- Insofar as it is applicable, alignment with Guiding Principles regarding WIPO External Offices and contribution to WIPO Strategic Goals under the 2016-2021 Medium-Term Strategic Plan (MTSP).
- Effectiveness of the leadership and management practices using the WIPO results-based management framework.
- Adequacy of management controls and systems, procedures and the reliability of information for decision-making and accountability purposes.
- Consultation practices to ensure that the views of senior WIPO management and of stakeholders/clients in the EO's geographic area are integrated into the EO's work and activities.
- Utilisation of External Offices by stakeholders within the region of operation and, where applicable, outside of the host country.

Slovenia's Views on Terms of Reference of the Evaluation of WIPO External Offices

In reference to the invitation to Member States, contained in the WIPO circular C. N 4078 and decision of the 32nd session of the WIPO Program and Budget Committee (PBC) on the "Terms of Reference of the 2021 Evaluation of WIPO External Offices" (ToRs), we are submitting some preliminary and general views on the preparation of the ToRs on behalf of the Republic of Slovenia.

We would like to recall the adopted Guiding Principles (A/55/INF/11) as agreed upon by all Member States. We believe they should be the pertinent basis for the development of the ToRs. In addition, the 2020 External Auditor's Report (WO/PBC/31/3) and its suggestions on External Offices should be taken into account when drafting the ToRs. Suitable suggestions made by the Member States in the process are to be taken on board as well.

We believe that the WIPO Secretariat should be the one entrusted to draft the ToRs, since these are to help evaluate the External Offices contribution to delivering the objectives of WIPO within its organisational structure.

The drafting should be done in an objective, unbiased and transparent manner.

To ensure an independent, objective and effective evaluation of the WIPO External Offices, the engagement of WIPO External Auditors or independent external evaluators would be preferred.

Russian Federation's Views on Terms of Reference of the Evaluation of WIPO External Offices



ПОСТОЯННОЕ ПРЕДСТАВИТЕЛЬСТВО
РОССИЙСКОЙ ФЕДЕРАЦИИ
ПРИ ОТДЕЛЕНИИ ООН И ДРУГИХ
МЕЖДУНАРОДНЫХ ОРГАНИЗАЦИЯХ
В ЖЕНЕВЕ

PERMANENT MISSION
OF THE RUSSIAN FEDERATION
TO THE UNITED NATIONS OFFICE AND
OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

№ 3593

The Permanent Mission of the Russian Federation to the United Nations Office and other International Organizations in Geneva presents its compliments to the World Intellectual Property Organization (WIPO) and has the honour to communicate the following.

With reference to the decision of the 32nd session of the WIPO Program and Budget Committee, the Russian Federation submits a zero draft document on Terms of Reference for the Evaluation of the Network of the WIPO External Offices. On a preliminary basis this document received broad support of WIPO Member States.

The Permanent Mission of the Russian Federation avails itself of this opportunity to renew to the World Intellectual Property Organization the assurances of its highest consideration.

Annex: 5 pp.



Geneva, « 27 » August 2021

World Intellectual Property Organization
Geneva

DRAFT

TERMS OF REFERENCE FOR THE EVALUATION OF THE NETWORK OF WIPO EXTERNAL OFFICES

BACKGROUND

The WIPO General Assembly at the 59th series of meeting (30 September – 9 October 2019) deferred the consideration of the current 10 applications of Member States for the 2018-2019 biennium to host new WIPO External Offices pending the results of the evaluation of the entire network of WIPO External Offices. The Terms of Reference (ToR) of such an evaluation were supposed to be decided by the Program and Budget Committee (PBC) during its 31st session in 2020¹.

In view of the constraints presented by the prevailing COVID-19 pandemic, the 31st session of the PBC (7-11 September 2020) was unable to discuss and decide on the ToR of the evaluation as mandated by the WIPO General Assembly 2019. The Assemblies of WIPO, each as far as it is concerned, at the 61st session approved the recommendations² to request the PBC to decide during its 32nd session in 2021 the ToR, taking into account all relevant documents, including but not limited to, the report by the External Auditor (WO/PBC/31/3) and to refer, as appropriate, to its decision contained in document A/59/13 ADD.4 to ensure sufficient time is allowed for the finalization of the evaluation³.

The current 10 applications are to be considered in the biennium 2022-2023.

INTRODUCTION: WIPO'S EXTERNAL OFFICES

WIPO external offices (EO) bring WIPO services and cooperation closer to the Member states, stakeholders and partners. They are the extended arms of the Organization in the field and they catalyze what WIPO can offer, collaborating closely with WIPO Headquarters and connecting the Organization's assistance, services and tools with evolving needs and priorities on the ground⁴. They provide cost-effective support services in relation to the PCT, Madrid and Hague systems; arbitration and mediation; collective management; and development and capacity building.

WIPO currently has external offices in the following locations:

- Algiers (Algeria)
- Rio de Janeiro (Brazil)
- Beijing (China)
- Tokyo (Japan)
- Abuja (Nigeria)
- Moscow (Russian Federation)
- Singapore (Singapore).

All EOs are an integral part of WIPO's results-based management, regulatory and accountability frameworks, risk-management policy and strategic growth plans. Once the EO is established and operational, its performance and activities are monitored and evaluated based on realistic and balanced benchmarks, performance indicators and targets.

WIPO's Medium-Term Strategic Plan for 2016-2021⁵ stipulates that the Organization will pursue the continuous enhancement of the External Office network to harness its potential to expand the reach of WIPO's communications and outreach and to achieve benefits in terms of

¹ Document A/59/13 ADD.4

² Document A/61/9

³ WO/PBC/31/13

⁴ WO/PBC/32/4

⁵ Document A/56/10

https://www.wipo.int/edocs/mdocs/govbody/en/a_56/a_56_10.pdf

efficiencies in cost and program implementation. Subsequently, the Medium-term Strategic Plan for 2022-2026⁶ further reinforced the role the EOs play to raise awareness of IP, deliver products, services and support, and otherwise assist in the use of IP as a tool for growth and development at the national level, and where appropriate, at the regional level.

PURPOSE

The purpose of the evaluation is to conduct an assessment of WIPO EO activities, in consultation with the host country and the individual EOs throughout the process on its impact, efficiency and effectiveness to program delivery of the Program and Budget.

The expected output of the evaluation is to assist EOs to improve its operations and service delivery and identify practical best practices of individual EOs for possible adoption across the entire network of EOs.

OBJECTIVES

To review and evaluate WIPO EO achievements, effectiveness, and efficiency. It should provide evaluation on the basis of indicators of EOs as outlined in WIPO's Program and Budget, giving due cognizance to the length of operation of the EOs, the different levels of development in their respective host countries and the kinds of services they provide.

To assess whether the EO network's work applies the priorities set out in the Guiding principles regarding WIPO External Offices, WIPO's Medium-term Strategic Plan for 2016-2021 and contribute to the achievement of the Strategic Goals

The overall results may also offer Member States an overview on the unique circumstances and local context influencing the implementation priorities of the EOs, and with a view on the prospects of further developing the EO network.

SCOPE

The evaluation will focus on WIPO EO activities implemented in the biennium 2018/19 and 2020/21, taking into account the presence of recently opened EOs and the impact brought by the prevailing COVID-19 pandemic to all external offices and their host countries. For a more comprehensive understanding of the outcomes and impact of the EOs the evaluation may consider reviewing the activities of the EO over a longer period, i.e. 5 years (if applicable).

KEY QUESTIONS

In the assessment of effectiveness, impact, efficiency, the evaluation will seek to address the following questions:

Effectiveness and impact

What results have been achieved and/or what progress has been made during the period under review?

- To what extent do EO activities reflect the core principles:
 - adding value to the implementation of the Organization's mandate;
 - operating effectively and efficiently;
 - contributing to mandate implementation in a complementary manner and avoiding duplication;
 - functioning as work units which are fully integrated into the Organization's Results Framework;
 - operating on a sustainable basis.

⁶ WO/PBC/32/3

- How has the EO allowed WIPO to extend its outreach to explain the potential for intellectual property to improve the lives of everyone, everywhere?
- How has the EO helped its related stakeholders, users and target groups access WIPO services?
- What measures could be done to enhance the activity reports and plans produced by external offices?
- Are EO operations and the flow of information between offices and the headquarters effective?
- How do EOs operate in practice and work with national/regional stakeholders and what is the degree of satisfaction regarding services provided?
- How have the EOs helped Member States in the development of the IP ecosystems?
- To what extent are the activities and outputs aligned with the needs and demands of its related stakeholders, users and target groups?
- Are resources being used in the most cost-efficient manner? What cost efficiency measures could be introduced without impeding the achievement of results?
- Are the allocated human and financial resources sufficient for the achievement of expected results?
- What are the main factors that have facilitated or obstructed the achievement of outcomes?
- What kind of supports could each external office receive from each host country?

Program and project management

- Is the delivery of activities underpinned by a strong needs-oriented results-based framework at both WIPO and at national/regional level?
- Are projects implemented within the framework of annual plans using good practice project management tools (planning, design, monitoring and evaluation) and are results frameworks at the project level adequately linked to Organizational Goals and Expected Results?
- Are adequate monitoring and evaluation mechanisms being put in place, both at the organizational and national/regional level, to ensure that: a) information on results achieved is captured; b) information on progress made is available; c) lessons learned are generated for the design of future activities; and d) the future assessment of impact is facilitated?

Coordination

- Does EO performance depend on the effective realization of key administrative processes managed by Headquarters? Are there any hurdles?
- How is EO functioning coordinated within the Secretariat and with Member States including the hosting countries, and do the existing coordination mechanisms facilitate an efficient and effective delivery in accordance with the results framework of the Program and Budget? If not, what measures or mechanisms should be put in place to improve the performance?

METHODOLOGY

The evaluation will therefore adopt both a retrospective as well as forward-looking approach. It should include an active participation of the EOs themselves. EOs are required to respond to all key questions of the evaluation. The review should consist the analysis of these responses.

This analysis should be complemented by an assessment conducted through a desk review of relevant documents. This will include pertinent documents related to the work of the

EOs, Assemblies, the Program and Budget Committee. *External Auditor's Report*, additional documentation such as project documents, periodic progress reports, will also be included in the desk review.

The desk review will be complemented by interviews internally with all Programs involved in the EO's functioning.

Feedback from the beneficiaries of WIPO EO's activities at the national/regional level may be sought through a questionnaire survey. Information obtained through the survey may be supplemented by field visits to EOs. However, virtual communication is encouraged.

The review shall be conducted in accordance with the United Nations Evaluation Group (UNEG) Standards for Evaluation in the UN System and the UNEG Code of Conduct for Evaluation in the UN System.

PLANNING, CONDUCT AND MANAGEMENT OF THE EVALUATION

The evaluation will be managed by the Internal Oversight Division (IOD).

[Comments Singapore: The Guiding Principles Regarding WIPO External Offices stipulate that the evaluation be supported by the WIPO External Auditors or independent external evaluators.][Comments China and Russia: The said Guiding Principles provide that the evaluation may request the support of WIPO External Auditors or independent external evaluators. The wording "may" means the evaluation could be conducted, supported or managed by either External Auditor or IOD.][Comments Japan: In principle, the evaluation should be conducted fairly and equitably. IOD may be appropriate as the evaluator in the sense that it understands WIPO's organization well. If necessary, IOD may be supported by the WIPO External Auditors.]

EVALUATION TEAM

The evaluation team should possess the requisite skills and knowledge required to conduct the evaluation in a credible and independent manner. IOD Director will be Team Leader responsible for conducting the evaluation and delivering the outputs as per the ToR.

Program specialists working under the different projects covered by the evaluation should be available to meet (directly or indirectly) with the evaluation team. They should provide additional information when necessary.

EXPECTED OUTPUTS AND TIMELINE (TO BE CONFIRMED)

The evaluation is expected to be undertaken during the period October 2021 to April 2022. A first draft report with preliminary findings and recommendations will be made available by the review team to the Member States by February 2022 (this would include a presentation and a document which would be circulated via email). The IOD will present its preliminary findings, conclusions and recommendations to Member States in March 2022 (a presentation and a document which would be circulated via email). A final report will be submitted by the review team to the Secretariat by the end of June 2022 and reported to the Member States at the 34th session of PBC and submitted at the ___ session of the General Assembly.

Alt:

The evaluation is expected to be undertaken during the period November 2021 to July 2022 based on the following [proposed] timeline:

- September/ October 2021:* *A zero draft is produced, discussed at the 33rd PBC and agreed upon.*
- November 2021 to June 2022:* *The evaluation takes place with December and January being recess months of WIPO.*
- July 2022:* *A interim report containing the preliminary findings and recommendations will be made available by the evaluation team to the Members States. This would include a presentation and a document which would be circulated via email.*
- August 2022:* *The evaluation team will present the interim report to Member States.*
- September 2022:* *A final report will be submitted by the evaluator to the Secretariat and reported to the Member States at the [34th] session of PBC and submitted at the [XXth] session of the General Assembly*

[Comments Japan: According to LIST OF DECISION for the 32nd session of PBC (WO/PBC/32/7), Secretariat is to provide an update on the status and progress of submissions by Member States at the 33rd session of the PBC for further discussion and consideration. It may be difficult for PBC to agree upon ToR at the 33rd session.]

BUDGET

THE EVALUATION WILL BE CONDUCTED WITH FUNDING ALLOCATED WITHIN THE BUDGET OF IOD.

[End of Annex and of document]