

Program and Budget Committee

Thirty-Eight Session
Geneva, May 19 to 23, 2025

DRAFT TERMS OF REFERENCE OF THE 2021 EVALUATION OF WIPO EXTERNAL OFFICES

prepared by the Secretariat

1. At the 34th session of the Program and Budget Committee (PBC) in 2022, the PBC considered, in detail, the Preliminary Draft of the Terms of Reference of the 2021 Evaluation of WIPO External Offices and decided to continue discussion on them at the 35th session of the PBC. Likewise, at the 35th session of the PBC in 2023, the PBC considered, in detail, the Preliminary Draft of the Terms of Reference of the 2021 Evaluation of WIPO External Offices and decided to continue discussion on them, as contained in document WO/PBC/35/7 Annex I, at the 36th session of the PBC.
2. At the 36th session of the PBC in 2023, the PBC recommended to the WIPO General Assembly that the Draft Terms of Reference of the 2021 Evaluation of WIPO External Offices be further discussed at the 37th session of the PBC.
3. At the 37th session of the PBC in 2024, the PBC decided:

“The Program and Budget Committee (PBC), having discussed the Draft Terms of Reference of the 2021 Evaluation of WIPO External Offices, requested the Secretariat to update the document WO/PBC/35/7 Annex I based on the views of the Member States expressed in document WO/PBC/35/7 Annex I and in the 37th session of the PBC, and the Guiding Principles contained in document A/55/INF/11 and submit it to the 38th session of the PBC for consideration.”
4. *The Program and Budget Committee (PBC) is invited to consider the update to document WO/PBC/35/7 Annex I which*

reflects the views of the Member States expressed in document WO/PBC/35/7 Annex I and in the 37th session of the PBC, and the Guiding Principles contained in document A/55/INF/11.



WO/PBC/34/15
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Program and Budget Committee

Thirty-Fourth Session
Geneva, June 27 to July 1, 2022

PRELIMINARY DRAFT OF THE TERMS OF REFERENCE OF THE 2021 EVALUATION OF WIPO EXTERNAL OFFICES

prepared by the Secretariat

[1. At the Thirty-Third PBC session of the Program and Budget Committee (PBC) in September 2021, the PBC requested the WIPO Secretariat to provide a preliminary draft of the Terms of Reference of the 2021 Evaluation of WIPO External Offices, on the basis of inputs received from Member States, at least six months before the Thirty-Fourth PBC session. These inputs are reflected in square brackets throughout the document.

A. Context ~~["and Purpose" Pakistan, to remove; UAE not agree]~~

~~B.A.~~

2. The evaluation of the WIPO External Offices is to be undertaken in response to the decisions of the WIPO Member States noting, in particular, the following:

The decision of the Forty-Seventh (22nd Ordinary) Session of the WIPO General Assembly (October 5 to 14, 2015) to conduct "*an evaluation during 2021*" with reference to the 'Guiding Principles regarding WIPO External Offices' paragraph 22 of which 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.*"¹

¹ A/55/INF/11

3. The WIPO General Assembly at its Fifty-First (24th Ordinary) Session (September 30 to October 9, 2019) further decided to conduct an evaluation during 2021 of the entire network of WIPO External Offices with the Terms of Reference of such an evaluation to be decided by the WIPO Program and Budget Committee during its Thirty-First session in 2020. The General Assembly further decided²:

“pending the results of the evaluation during 2021, defer the consideration of the current 10 applications of Member States for the 2018-2019 biennium to host new WIPO External Offices”

“consider opening up to 4 new WIPO External Offices, including in Colombia, from the current 10 applications in the biennium 2022-2023.”

4. Noting that the Thirty-First session of the Program and Budget Committee was unable to discuss the Terms of Reference owing to the COVID-19 pandemic, the Thirty-Third session of the Program and Budget Committee (September 13 to 17, 2021) took the following decision³:

“The Program and Budget Committee (PBC) took note of the update on the status and progress of submissions made by Member States on views on the preparations of the Terms of Reference (ToR) of the 2021 Evaluation of WIPO External Offices and requested the Secretariat:

- to develop a preliminary draft of the ToR taking into account the above-mentioned submissions by Member States reflecting all views contained therein and all relevant documents, including but not limited to the Guiding Principles regarding WIPO External Offices (document A/55/INF/11) and the Report of the External Auditor (document WO/PBC/31/3); and*
- to provide a preliminary draft to Member States at least 6 months before the 34th session of the PBC with the aim of discussing and further developing common understanding about the ToR’s content and taking a decision on the ToR at the 34th session of the PBC.”*

“Purpose”

Regarding the “**Purpose**” of the evaluation, the following positions were stated by Member States at the 37th session of the PBC, as reflected in the report of the session (see document WO/PBC/37/14):

Brazil (APG)	“[The] evaluation is crucial for the General Assembly to consider the opening of four new WIPO External Offices, including one in Colombia”
Kenya (African Group)	“[Noted the] importance of evaluating WIPO External Offices with a view to improving their effectiveness and performance”
India	“[Urged] all Member States to either agree to decouple the issue of evaluation of existing EOs from that of opening new EOs or to quickly

² A/59/13 ADD.4

³ WO/PBC/33/14

	finalize the evaluation of terms of reference and no longer allow it to simply be a method for causing delay”
Algeria	“Algeria considers that the main objective of the evaluation of Offices is to strengthen an approach of improvement by focusing on the way in which Offices operate and are integrated into WIPO’s global action”
Türkiye	“WIPO's External Offices network constitutes an effective tool for developing a balanced IP system and is highly beneficial across diverse IP stakeholders. In that sense, evaluation and further improvement of this network will serve mutual benefit.”
Pakistan	“[It] is essential that the evaluation answers the key questions including whether the External Offices are essential to the appropriate functioning of WIPO and fulfilment of its mandate and its core objectives in a manner that they add clear value, efficiency and effectiveness to program delivery of the Organization.”
Russian Federation	“We believe that the evaluation should focus on improving the entire network of External Offices, on the whole the results of such an evaluation should in their turn help Member States to take decisions about opening WIPO External Offices.”
Colombia	“[Appealed] that we all make efforts as Member States to allow us to go forward and to accept the terms of reference and also to keep our eye on the objective which is to have an intellectual property system which has been strengthened and corresponds to the challenges we all face, particularly to those of the Member States and regional groups represented in WIPO by the creation of External Offices in the world.”
Ukraine	“[Urged to] conduct such an evaluation considering to what extent each WIPO External Office serves the needs of stakeholders and the regional and global IP community”
Iran (Islamic Republic of)	“[Stressed the importance of] having a global and sustainable network of WIPO External Offices, which adds clear value, efficiency, and effectiveness to program delivery, and responds to the specific needs and priorities of the countries and regions they serve”

- Based on the preceding, and as prescribed in the ‘Guiding Principles’, the purpose of the evaluation will be to examine the size and performance of the network of WIPO External Offices. The evaluation is to inform the deliberations of the Member States with respect to the pending applications from 10 Member States to host up to four new WIPO External Offices, noting that the decision on any new WIPO External Offices is a decision of the Member States in accordance with the decision of the Forty-Seventh Session of the WIPO General Assembly and the ‘Guiding Principles’ which it approved.

Russian Federation: Para. 5 assumes that evaluation results should assist Member States in taking a decision on 10 pending applications for new External Offices. We believe that the issues concerned do not correspond to that objective. The proposed

issues focus on the analysis of individual performance indicators of each Office rather than on the strategy for improving the network.

USA: the evaluation shall assess, in a comprehensive manner, the relevance, effectiveness, impact, sustainability and efficiency of WIPO's network of EOs and their adherence to the guiding principles contained in the GA decision, and their contribution to the advancement or achievement of WIPO's mandate, SGs, and relevant MTSP, during the period from 2018 to 2022 inclusively.

[CHAIR'S ALT TEXT

5. "The evaluation should be conducted" ["The purpose of this evaluation is to conduct" – US] in a comprehensive manner ["with a view to assess and improve" – Algeria; Pakistan – not agree], [taking into account; Algeria – delete] the relevance, effectiveness, impact, sustainability and efficiency of WIPO's network of External Offices ["and their adherence to"; Algeria – "*in line with*"] the Guiding Principles, and ["*and taking into account*" – Algeria] their contribution to the advancement and achievement of WIPO's mandate, Strategic Goals, Development Agenda ["WIPO Program and Budget for the corresponding biennium" – Russia], recommendations, from 2015, or the date of establishment in cases of new External Offices, [to the year for which most recent data is available with WIPO] [Russia – only date corresponding to MTSP 2016 – 2021] ["*the date of the beginning of operations*" – Algeria] *and including the most recent available data at the time of the evaluation - US.]* [Canada - "*To the launch of the initial evaluation, and then every 5 years thereafter*"]

["The evaluation is to inform the deliberations of the Member States with respect to the pending applications from 10 Member States to host up to four new WIPO External Offices" – Russia, at the end]

[Pakistan, Iran not support Chair's text alt para 5]

6. In this context, the evaluation is intended to:

- ~~[Improve the efficiency and effectiveness of individual External Offices or the network of External Offices toward informing a clear strategy. [Pakistan] 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. [Algeria]]~~

[Russia – delete first bullet - [agreed](#)]

Algeria on behalf of the African Group [Algeria agree; Ghana reiterate for African Group] proposed alternative wording to above bullet: [Improve the efficiency and effectiveness of [individual External Offices or – Russia delete] the network of External Offices 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.]

USA: the evaluation is intended to assess, in a comprehensive manner, the relevance, effectiveness, impact, sustainability and efficiency of WIPO's network of EOs and each External Office's adherence to the guiding principles contained in the GA decision, and their contribution to the advancement or achievement of WIPO's mandate, SGs, and relevant MTSP, ["during the period from 2018 to 2022 inclusively" – India delete]. [Russia – not agree]

Pakistan: the evaluation is intended to assess, in a comprehensive manner, the rationale, relevance, cost effectiveness, impact, sustainability and efficiency of WIPO's network of EOs and each External Office's adherence to the guiding principles contained in the GA decision, and their contribution to the advancement or achievement of WIPO's mandate, SGs, and relevant MTSP, during the period from 2018 to 2022 inclusively.

- [Conduct an assessment of WIPO External Office activities, in consultation with the host country and the "individual" [Russia – delete] External Offices throughout the process on its impact, efficiency and effectiveness to program delivery of the Program and Budget. As such, the evaluation is intended to assist External Offices to improve their operations and service delivery and identify practical best practices of "individual" [Russia – delete] External Offices for possible adoption across the entire network of External Offices.]
- [Examine the process and feasibility of opening new External Offices.]

[Russia – delete third bullet]

- [Provide critical information from which WIPO could develop a coherent strategy for the future of the External Office network and a sound basis for future decision making. It is important that in creating this strategy it incorporates a framework against which the Secretariat can better support the Member States decision making and the assessment of any future cases.]

Russian Federation: The last point of para. 6 thematically overlaps with the first and the third. Wording of the last para. seems more balanced and preferable.

Pakistan: suggests ~~deletion of~~ moving -paragraph 6 to section D.

Iran: suggests moving paragraph 6 to section D

UAE: suggests deletion of the last two bullet points.

India: suggests deletion of the last two bullet points.

Colombia: suggests deletion of the last two bullet points.

[CHAIR'S SUGGESTION : MOVE TO SECTION D]

[US – not in a position to accept para. 6 in its current form]

CB. Subject

7. The WIPO External Offices are the extended arms of the Organization in the field. Based on their detailed understanding of their areas of responsibility, the Offices 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 ground.⁴

Russia – proposes to keep the above paragraph

USA proposed wording of the above paragraph: The WIPO External Offices are part of the Organization in the field [Nigeria – maintain original first sentence]. Based on their ERs and KPIs and on their areas of responsibility ~~specific circumstances of host countries~~, the Offices [“are expected to” – Pakistan] advance WIPO's goals and objectives, collaborating [Pakistan – add “by” before “collaborating”] closely with WIPO Headquarters and connecting the Organization's assistance, services, and tools with evolving needs and priorities on the ground.

Algeria – not agree with insertions in the above by Pakistan

[CHAIR'S SUGGESTION : can go with US proposal if no objections]

8. This evaluation will cover the seven offices that comprise the External Office network in WIPO. These offices are:

- WIPO Algeria Office (WAO)
- WIPO Brazil Office (WBO)
- WIPO Office in China (WOC)
- WIPO Japan Office (WJO)
- WIPO Nigeria Office (WNO)
- WIPO Office in the Russian Federation (WRO)
- WIPO Singapore Office (WSO)
- [WIPO Office in New York – Russia; China] [US not agree]

C. Scope

9. The evaluator should conduct an overview of the activities of the External Offices and how these contribute to WIPO's objectives. [The evaluation will focus on the activities of [“the network” – Russia] WIPO External Offices implemented in the 2018/19 and 2020/21 biennia [“biennium” – Russia], taking into account the presence of recently opened External Offices and the impact of the COVID-19 pandemic on all External Offices and their host countries. For a more comprehensive understanding of the outcomes and impact of the External Offices, the evaluation may consider reviewing the activities of the External Offices over a longer period, i.e. 5 years (if applicable).]

Pakistan: New proposed wording of paragraph 9: [The evaluation will focus on the activities of WIPO External Offices implemented after the adoption of the Guiding Principles in 2015 and in case of two new offices in the African Region, from their date of their establishment, taking into account the presence of recently opened External Offices and the impact of the COVID-19 pandemic on all External Offices and their host countries]

Algeria on behalf of the African Group, new proposed wording of paragraph 9: The evaluator should conduct an overview of the activities of the External Offices and how these contribute to

⁴ WIPO Program of Work and Budget for 2022/23, page 39 of the English version.

WIPO's objectives. [The evaluation will focus on the activities of WIPO External Offices implemented over a period, of 5 years if applicable , taking into account the presence of recently opened External Offices and the impact of the COVID-19 pandemic on all External Offices and their host countries. ~~For a more comprehensive understanding of the outcomes and impact of the External Offices, the evaluation may consider reviewing the activities of the External Offices over a (-).~~]

US: review to include 2022 or most recent data available at time of review

Russia: review for the full calendar period excluding 2022

[CHAIR'S ALT TEXT : The evaluation will focus on the activities of WIPO External Offices, taking into account the presence of recently opened External Offices and the impact of the COVID-19 pandemic on all External Offices and [Slovakia - "the presence of recently opened EOs and the specific circumstance of EOs and their host countries, including the impact of the Covid 19 pandemic"; US - OK] their host countries [“, as well as giving due cognizance to the length of operation of the External Offices, the different levels of development in their respective host countries and the kinds of services they provide” – Brazil]. The period under evaluation will [Russia – “correspond to the MTSP 2016 – 2021”] be from 2015, or the date of establishment [“date of beginning of operations” – Algeria] in cases of new External Offices, [“to the year” – US requested brackets] for which most recent data is available with WIPO.] [Singapore – “The evaluation should assist EOs to improve their operations and service delivery, and identify practical best practices of individual EOs for possible adoption across the entire network of EOs.”; US - OK] [US – “and including the most recent available data at the time of the evaluation”.] [Canada - “*To the launch of the initial evaluation, and then every 5 years thereafter*”; South Africa, India, Algeria, Iran – reservations.]

E. Objectives

Concerning the “Objectives” of the evaluation, the following positions were stated by Member States at the 37th session of the PBC, as reflected in the report of the session (see document WO/PBC/37/14):

Poland (CEBS)	“[The] evaluation needs to deliver a clear reflection of the results of the operations of the External Offices, their performance against the aims defined by the previous and current Medium Term Strategic Plan and the real fulfilment of WIPO's objectives and mission through External Offices' activities”
Netherlands (Group B)	“The evaluation of the WIPO External Offices should be based on the general principles and objectives of independence and transparency. The assessment must be unbiased, uniform and transparent in design and implementation, to provide an informative and actionable report to Member States.”
Algeria	“[The] mandate of the evaluation should not prejudice the decision of Member States on the development of the network of External Offices.

	It should be limited to the evaluation of performance of each External Office based on the resources made available to it, including those provided by the host country.”
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10. In furtherance of the purpose of the evaluation and within the mentioned scope, the objectives of the evaluation will be to:

Pakistan suggestion to move bullets previously under paragraph 6:

- Assess whether External Offices are essential to the appropriate functioning of the World Intellectual Property Organization (WIPO) and fulfillment of its mandate and core objectives and add clear value, efficiency and effectiveness to program delivery of the Organization.

Algeria: not agree with “whether” – not support

India: agree with Algeria

Russia: agree with Algeria

- Carry out empirical and objective assessment of cost-effectiveness of maintaining the External Offices as compared to achieving similar objectives by other means.

India: not agree “maintain” – rest OK

- [Examine the process and feasibility of opening new External Offices including the budget implications of the establishment of the EOs for the Organization, possible efficiency savings as well as application procedure for hosting new EOs in line with para 2.11 of the External Auditor’s report as contained in WO/PBC/31/3]
- [Provide critical information from which WIPO could develop a coherent strategy for the future of the External Office network and a sound basis for future decision making. It is important that in creating this strategy it incorporates a framework against which the Secretariat can better support the Member States decision making and the assessment of any future cases.]

UAE: Above two bullets to be deleted

Pakistan: wants to maintain the above two bullets

US: Key questions to be addressed.

- (1) Relevance. To what extent each WIPO External Office as well as the result of their activities serve the needs of Member States, stakeholders, and other intended beneficiaries.
- (2) Impact. What is the actual and expected impact of each WIPO EO as well as the network of Eos in the implementation/achievement of WIPOs mandate, WIPOs strategic goals and MTSP.
- (3) Effectiveness. To what extent is the work of each EO and the network as a whole effective in the implementation / advancement of WIPOs mandate, strategic goals, MTSP and needs of the host country / region.

- (4) Efficiency. How efficiently has each EO used the human and financial resources in its work directed at the implementation / achievement of WIPOs strategic goals, MTSP, and needs of host country / region.
- (5) Sustainability. To what extent are the results of each EO and the network as a whole sustainable in the long term. To this end, the evaluation must also identify the best practices and lessons learned in the implementation / advancement of WIPOs mandate, WIPOs strategic goals, MTSP, and needs of host country / region.

Algeria: can agree with US proposal

UAE: Support US proposal

- [Review and evaluate the achievements, effectiveness, and efficiency of the External Offices. It should provide evaluation on the basis of the performance indicators for External Offices as outlined in WIPO's Program and Budget, giving due cognizance to the length of operation of the External Offices, the different levels of development in their respective host countries and the kinds of services they provide.]

Algeria on behalf of the African Group: suggested new wording of the above bullet: [Review and evaluate the achievements, effectiveness, and efficiency of the External Offices. It should provide evaluation on the basis of the performance indicators for External Offices as outlined in WIPO's Program and Budget, giving due cognizance to the length of operation of the External Offices, the different levels of development in their respective host countries and the kinds of services they provide as well as the sufficiency of resources allocated to achieve the WIPO priorities.]

- [Enumerate an unbiased, uniform and transparent assessment tool to provide an accountable, effective and informative evaluation to Member States]
- [Assess whether the work of the External Office network applies the priorities set out in the 'Guiding Principles', WIPO's Medium-Term Strategic Plan for 2016-2021, and whether it contributes to the achievement of the Strategic Goals.]

Algeria on behalf of the African Group: suggested new wording of the above bullet: [Assess ~~whether~~ how the work of the External Office network applies the priorities set out in the 'Guiding Principles', WIPO's Medium-Term Strategic Plan for 2016-2021, and its contribution to the achievement of the Strategic Goals, including the WIPO development agenda and the Sustainable development goals.]

- [Provide an insight into the unique circumstances and local contexts influencing the implementation priorities of the External Offices, and with a view to the prospects of further developing the External Office network.]

Russian Federation: The second objective specified in para. 10 supposes a development of a control tool. The meaning seems to be unclear. Is it a universal methodology or the tool only for this particular evaluation?

Russia – "EOs do not relate to duties and responsibilities of national IP authorities, as it is stated in paragraph 9 of the Guiding Principle of WIPO External Offices."

[CHAIR's ALT TEXT :

10. In furtherance of the purpose of the evaluation and within the mentioned scope, the objectives of the evaluation will be to:

- (1) Relevance. To what extent [each] [Russia – replace “network”] WIPO External Office as well as the result of their activities serve the needs of Member States, stakeholders, and other intended beneficiaries [“, with due regard to the different mandates and functions performed by the EOs” – Algeria].**
- (2) Impact. What is the actual and expected impact [of each WIPO EO as well as] [Russia ask to exclude] the network of EOs in the implementation/achievement of WIPO’s mandate, WIPO’s strategic goals. MTSP [Russia – add “2016 – 2021”], [“WIPO Program and Budget for the corresponding biennium” – Russia] its Development Agenda and SDGs.**
- (3) Effectiveness. To what extent is the work of [each EO and] [Russia ask to exclude] the network as a whole effective in the implementation / advancement of WIPOs mandate, strategic goals, MTSP [Russia – add “2016 – 2021”] [“WIPO Program and Budget for the corresponding biennium” – Russia] and needs of the host country / region keeping in view the different levels of development in their respective host countries and the kinds of services they provide as well as the sufficiency of resources allocated to achieve the WIPO priorities.**
- (4) Efficiency. How efficiently has [each] [Russia – replace “network”] EO used the human and financial resources in its work directed at the implementation / achievement of WIPOs strategic goals, MTSP [Russia – add “2016 – 2021”], [“WIPO Program and Budget for the corresponding biennium” – Russia] and needs of host country / region.**
- (5) Sustainability. To what extent are the results of [each EO] [Russia ask to exclude] “and the network as a whole” [Algeria – delete] sustainable in the long term [“taking into account WIPOs Strategic Goals and the evolving needs of host countries” – Algeria – rest to be deleted]. To this end, the evaluation must also identify the best practices and lessons learned in the implementation / advancement of WIPOs mandate, WIPOs strategic goals, MTSP [Russia – add “2016 – 2021”], [“WIPO Program and Budget for the corresponding biennium” – Russia] and needs of host country / region.**
- (6) Others. Any other issue, highlighted in oversight or audit reports of WIPO on External Offices, during the period from 2015 [Canada – replace rest with – “to the launch of the initial evaluation and ~~every 5 years thereafter~~”] to the year for which most recent data is available with WIPO. [US – “and including the most recently available data.”] [Nigeria – delete 6th bullet] [Russia – delete this paragraph]**

Russia – Terms of Reference should be in line with the Guiding Principles of EOs including paragraph 22 “the size and performance of the entire network of EOs should be evaluated every 5 years by the PBC”.

Russia – reservations on effectiveness, efficiency, sustainability – wants to see methodology

[Brazil – supports Chair’s alt text but with the list “WIPO’s mandate, WIPO’s strategic goals, MTSP, its Development Agenda and SDGs” constant throughout]

[Pakistan – not agree with Chair’s alt text, especially ‘relevance’ and ‘effectiveness’. Concerns with meaning of ‘sustainability’]

11. In line with ‘Norms and Standards for Evaluation’ (2016) of the UN Evaluation Group, a non-exhaustive list of possible evaluation questions is provided in Annex I.

F. Methodology

Regarding the “Methodology” of the evaluation, the following positions were stated by Member States at the 37th session of the PBC, as reflected in the report of the session (see document WO/PBC/37/14):

Poland (CEBS)	“[The] evaluation [needs] to be carried out in a highly transparent, independent and objective manner.”
Netherlands (Group B)	“[The] evaluation of the WIPO External Offices should be based on the general principles and objectives of independence and transparency. The assessment must be unbiased, uniform and transparent in design and implementation . . . it is crucial that the evaluation is conducted in a fully independent manner based on the terms of reference agreed by all Member States.”
Kenya (African Group)	“We hope that the Committee will make further progress in defining the terms of reference for such an evaluation, based on objective, transparent, and fair criteria, taking into account the distinct characteristics and types of operations of each External Office”
Algeria	“[The] mandate of this evaluation should be based on clear and objective criteria without being subject to political considerations. It should also be aligned with recognized good practices across the United Nations system and WIPO’s accumulated experience in monitoring and audit. It must take into account the length of operation of the External Offices given that the newly created offices in Africa cannot obey the same criteria and evaluation tools as the rest of the network.”
Türkiye	“As our position is very well-known, based on an independent, impartial and rigorous methodology, the terms of reference should encompass a clear and transparent evaluation process and be guided by an inclusive approach”

Pakistan	"Our consistent position on the issue is guided by the principles of objectivity, inclusivity, transparency and neutrality"
Ukraine	"[The] evaluation of WIPO External Offices should be carried out in a highly transparent, independent and objective manner"
Russian Federation	"[The] Terms of Reference for the Evaluation of External Offices should not retrospectively include performance indicators which were not initially established for the External Offices. Moreover, it is important that when evaluating External Offices account is taken of specific features, such as how long they have been operating, and priorities and goals of the countries and regions where the External Offices have been established"
Nigeria	"[The] Terms of Reference of the Evaluation of WIPO External Offices should be balanced, transparent, fair, as well as conducted in consultation with host countries. In addition, this Delegation expects that the evaluation should be conducted in due recognition of the unique characteristics of the External Offices which are spread across different regions with distinctive paces of development, resources available at their disposal and length of operation. This would give the existing External Offices the voice and opportunity to contribute and offer suggestions on how their functions and scope of activities could be improved and enhanced respectively"
Japan	"First, it is important that the evaluation of the entire WIPO External Offices network be conducted in accordance with an unbiased, fair, and highly transparent procedure. . . . Third, in order to appropriately reflect the current state of operating procedures at all External Offices, it would be appropriate to arrange an opportunity for the External Offices themselves to participate in the evaluation process and to provide replies or opinions to the criteria used for the evaluations."
Brazil	<p>"In this sense, our Delegation continues to emphasize Brazil's favorable position towards the evaluation of External Offices, whether internal or external, if it is conducted in a transparent, independent, and inclusive manner Brazil favors approaches that duly consider the specific mandate and circumstances of each Office as well as the development level of the host countries and their local IP system. It remains important for Brazil that the evaluation is conducted in coordination with the host country and that national offices could contribute with their own suggestions for improving their procedures and the scope of their activities."</p> <p>"[It] is essential that the evaluation process of these Offices not only maintains but also seeks to amplify their positive impact by incorporating feedback from national offices and is aligned with the strategic goals of host countries to ensure that WIPO's External Offices continue to support and drive innovation and creativity that are vital for addressing common and global challenges"</p>

12. In order to address the evaluation questions contained in Annex I, the methodology of the evaluation should be guided by the following considerations:

- [The evaluation will adopt both a retrospective as well as forward-looking approach.]
- [The evaluation should focus on a set of indicators and common parameters that are uniform/consistent between External Offices to be able to evaluate performance of individual External Offices.]

Algeria on behalf of the African Group: [The evaluation should focus on a set of indicators and specific parameters that are /consistent with each External Office -situation to be able to evaluate performance of individual External Offices.]

- [The evaluation should assess performance using all relevant performance indicators and targets, taking into account users' and stakeholders' feedback.]

Pakistan: new proposed wording of above bullet: The evaluation should assess performance using all relevant performance indicators and targets, including taking into account users' and stakeholders' feedback.]

- [The evaluation should take into account the different profiles, mandates, contexts and circumstances of existing External Offices, as well as the diverse aspects and levels of development among host countries and of local IP ecosystems.]
- [Empirical and objective criterion should be devised to measure the added value, efficiency and effectiveness of the External Offices.]

Pakistan: new proposed wording of above bullet: [objective criterion should be devised to measure the added value, efficiency and effectiveness of the External Offices.]

- [The External Offices themselves should participate in the evaluation process and provide replies or opinions on the criteria used for making the evaluations.] [The evaluation should include the active participation of the External Offices.]

Pakistan: new proposed wording of above bullet: [The evaluation should include the active participation of the External Offices.]

- [The host countries and their respective external offices should be consulted in a timely and adequate manner.]
- [The Evaluation should make references and integrate appropriate international principles on evaluations and audits.]
- [The evaluation 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.]
- [The External Offices are solely WIPO entities and as such, they are to be evaluated in relation to the WIPO results-based management framework.]

Russian Federation: Considerations 8 & 9 of para. 12 contain similar provisions on the implementation of international auditing standards. We propose to keep only one of them.

US: Replacement of paras. 12, 13 and 14.

The evaluation team is expected to undertake the evaluation in a rigorous (transparent, fair, objective – Algeria. US - agree) and efficient manner to produce useful information and findings for WIPO Member States.

The methodology of the evaluation shall at least include the following:

- (a) Desk reviews of documents relevant to the work of each EO.
- (b) Interviews or focus group discussions [with Member States] [Algeria – delete], WIPO staff and beneficiaries. (Interviews with host countries and different stakeholders – Algeria. US – agree. Brazil – support; reincorporate reference to “WIPO staff” – Algeria supports Brazil. Uganda – “based on a set of criteria for transparency reporting on the revenue streams and other benefits for the host countries”.) Algeria - original sentence replaced.
- (c) Field visits as deemed necessary bearing in mind budget constraints.
- (d) Surveys.

Additionally, the evaluators may utilize any other appropriate methods necessary to fulfill the objectives (“in line with the Guiding Principles of the UNEG . . .” –Nigeria. US: “in line with the guiding principles contained in UNEG . . .”) as guided by the UNEG Norms and Standards for Evaluation 2016, WIPOs evaluation policy and WIPOs evaluation manual. ~~in order to produce an in-depth and well substantiated evaluation.~~ Nigeria: concerns with this sentence – delete.

The WIPO Secretariat shall make available to the evaluators all relevant materials and information concerning the activities of each EO.

[CHAIR’S ALT TEXT TO PARA 12,13 :

12. The evaluation should be undertaken in a [Iran add “in a purely technical manner”] rigorous, transparent, fair, objective and efficient manner, using objective indicators [which are common as well as specific to each External Office] [Russia – delete this text], users’ and stakeholders’ feedback, to produce useful information and findings for WIPO Member States [, including on added value, efficiency and effectiveness of the External Offices] [Pakistan – replace with “in line with the purposes and objectives of the evaluation”]. The evaluators may utilize any other appropriate methods necessary to fulfill the objectives in line with the principles contained in relevant UNEG documents. The methodology of the evaluation, should include [, but not be limited to,] [Russia - delete this text] the following:

- (a) Desk reviews of documents relevant to the work of [each] [Russia – replace with “network”] EO.**
- (b) Interviews or [focus group discussions] [Russia – delete] with [Member States] [Algeria – delete; Russia supports], host countries and stakeholders, WIPO staff and beneficiaries.**
- (c) Field visits as deemed necessary bearing in mind budget constraints.**
- (d) Surveys.]**

13. Based on the abovementioned considerations, the evaluation team will undertake, *inter alia*, the following:

Nigeria: A rigorous and efficient evaluation to produce useful information and findings for WIPO Member States.

- A desk review of relevant documents. This should include pertinent documents related to the work of the External Offices, the WIPO Assemblies, the WIPO Program and Budget Committee, and the External Auditor's Report. Additional documentation such as project documents and periodic progress reports, should also be included in the desk review.

Pakistan: new proposed wording of above bullet: A desk review of relevant documents. This should include all pertinent documents related to the work of the External Offices including but not limited to the WIPO Assemblies, the WIPO Program and Budget Committee, and the External Auditor's Report. Additional documentation such as project documents and periodic progress reports, should also be included in the desk review.

Algeria on behalf of the African Group: new proposed wording of above bullet: A desk review of relevant documents. This should include pertinent documents related to the work of the External Offices, the WIPO Assemblies, the WIPO Program and Budget Committee, the Medium Term Strategic Plan (MTSP) and the External Auditor's Report. Additional documentation such as project documents and periodic progress reports, should also be included in the desk review.

- The desk review should be complemented by interviews with all relevant internal stakeholders, including the External Offices.
- Surveys and, as required, interviews should be undertaken with relevant external stakeholders (at the regional and national levels, including beneficiaries of the activities of the External Offices, and host country authorities.)

Russian Federation: The last point of para. 13 concerns the surveys of regional stakeholders. As we understand it, the regional level seems to be relevant only to Singapore Office.

14. [Empirical and objective criterion should be devised to measure the added value, efficiency and effectiveness of the External Offices.] A non-exhaustive listing of possible criteria is contained in Annex II.

Algeria on behalf of the African Group: new proposed wording of above bullet: objective criterion should be devised to measure the added value, efficiency and effectiveness of the External Offices.] A non-exhaustive listing of possible criteria is contained in Annex II.

Russian Federation: Para. 14 duplicates consideration No. 5 of para. 12.

[Chair's Suggestion : Ask delegations if there is a need for separate para 14 in light of what Chair has proposed for para 12,13]

Pakistan – retain reference to annexes

G. Management Arrangements

Concerning the “Management Arrangements” for the evaluation, the following positions were stated by Member States at the 37th session of the PBC, as reflected in the report of the session (see document WO/PBC/37/14):

Pakistan	“[We] strongly advocate that the evaluation be conducted by an independent and external entity, in order to ensure the impartiality and objectivity of the evaluation”
Russian Federation	“We align with the position that there is a need for evaluation directly by the Internal Oversight Division with possible involvement of Member States from those countries which already have External Offices.”
Japan	“[The] evaluation team should be composed of an independent outside expert in order to enhance fairness and transparency. In addition, it is preferable that the evaluator has a good understanding of the WIPO Organization, including its External Offices, as a well as a deep knowledge of intellectual property”
Republic of Korea	“Since the Secretariat has the experience and expertise to conduct the evaluation, we believe that more active involvement of the Secretariat is necessary”

[Pakistan: suggests to delete the above paragraph](#)

15. The evaluation will be conducted by:

- [an independent/neutral organization and/or individual, knowledgeable in IP and innovation]

[Pakistan and the African Group suggests deletion of the above bullet.](#)

- [An independent body outside of WIPO so as to ensure the neutrality and objectivity of the evaluation.]

[The African Group suggests deletion of the above bullet](#)

- [The WIPO Internal Oversight Department (IOD)] [supported, when necessary, by third parties such as the WIPO External Auditors and independent external evaluators.]

[Algeria on behalf of the African Group: proposed new wording of the above bullet: \[The WIPO Internal Oversight Department \(IOD\)\] \[supported, if necessary, by third parties such as the WIPO External Auditors, Independent Advisory Oversight Committee \(IAOC\) and independent external evaluators.\]](#)

[Pakistan suggests deletion of the above bullet.](#)

[Canada: delete references to IOD. US, Chile – agree~~s~~.](#)

- [An independent external evaluator.] [In this regard, a committee should be established comprising [three or five] independent external evaluators, possibly one from the United Nations Evaluation Group and others from similar institutions.]

The African Group suggests deletion of the above bullet

- [The WIPO External Auditors or independent external evaluators.]

Pakistan: new proposed wording of above bullet: independent external evaluators.

The African Group suggests deletion of the above bullet

Russian Federation: 15, we stick to a position that the evaluation should be carried out by the Internal Oversight Division (IOD), that would be the most appropriate solution. The IOD is an independent oversight authority, which is aware of the WIPO structure, the priorities and specific character of WIPO's work on site, both under normal circumstances and during the pandemic. We suppose that the IOD could make a proper evaluation of External Offices.

US: replace paras 15 through 18. [Pakistan supports US proposal] [Iran, Russia not agree]

US: The evaluation will be conducted by an external evaluation team. (Algeria – this should be in brackets)

Selection process of the external evaluation team shall be conducted in accordance with WIPOs established procedures.

(The evaluation should be carried out by IOD which should be assisted by an evaluation team. – Algeria) (US - disagree)

The evaluation team should possess the requisite skills, knowledge and experience required to conduct the comprehensive evaluation of EOes in a credible (transparent, fair and objective – Algeria. US - agree) and independent manner.

The team should be familiar with:

- (a) WIPOs mandate (Chile – “including the Development Agenda”) (US – “as contained in the WIPO Convention”)
- (b) WIPOs strategic goals
- (c) MTSP
- (d) (WIPO Development Agenda – Algeria) (US – agree) (Russia – include the WIPO program and budget for the corresponding biennium) (Chile – DA is already part of WIPO mandate) (US – “WIPO Development Agenda recommendations” or “WIPO Development Agenda” is OK)
- (e) Guiding Principles
- (f) and other relevant documents

The team should hence include one professional lead evaluator and two experts in the field of IP. (Algeria – delete reference to one professional and leave it to the WIPO Secretariat according to practice)

The evaluation team should observe the UNEG guidelines, standards and norms for evaluations in the UN System, as well as the WIPO evaluation policy and manual in the conduct of the evaluation.

Nigeria – support Algerian proposals in the above.

16. [The WIPO Secretariat should be actively engaged in conducting the evaluation given its expertise.]

Pakistan: new proposed wording of above paragraph: [The WIPO Secretariat should be actively engaged with the evaluation team during the evaluation given its expertise.]

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

Algeria on behalf of the African Group: proposed new wording of the above bullet: [The evaluation team should possess the requisite skills and knowledge required to conduct the evaluation in a credible, objective, fair, transparent and independent manner. The IOD Director will be the Team Leader responsible for conducting the evaluation and delivering the outputs as per the Terms of Reference. 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.] [Iran agrees] PBC agrees

Pakistan: suggests to delete the above paragraph

[CHAIR'S ALT TEXT in LIEU OF para 15,16,17 :

15. The Evaluation will be conducted ("under the direct supervision of the IOD by an evaluation team to be nominated according to established practice" Algeria – rest to be deleted. Uganda – supports. Russia - supports) (US – "in consultation with IOD") by an Evaluation Committee comprising ("inter alia," Slovakia; Russia – not agree) of (3) (Slovakia – delete) members:

- **(External Auditor)** [Russia – delete, the report of the External Auditor 2020 WO/PBC/31/3] (Algeria – delete reference to External Auditor)
- **(Chair of the IAOC)** [Russia – delete, current mandate of the IAOC does not include these functions]
- **Director IOD** [Russia – the Division not the Director]
- **(Independent Evaluation Team – Slovakia) (Russia – not agree)**

US – cannot accept Chair's text. Want external. IOD can consult. Pakistan – supports.
Canada – supports.

Iran – wants evaluation by the UN Evaluation Group

Japan – evaluation committee should include at least one IP expert

18. [The evaluation will be conducted within the budget of IOD.]

[CHAIR's ALT TEXT :

14. The evaluation will be conducted within the approved budget of WIPO for the current biennium for appropriate action by the Committee.]

G.Expected deliverables and process

19. The following are the expected deliverables of the evaluation in sequential order:

- Final Terms of Reference: to be agreed by the Member States
- Inception report: to include, *inter alia*, an evaluation matrix based on the evaluation questions and criteria of the Terms of Reference; an analysis of available data; an analysis of relevant stakeholders to be consulted during the evaluation process; and draft tools for data collection and analysis.
- Preliminary findings and conclusions: resulting from a comprehensive process of data analysis, triangulation and validation; to be presented to the Member States.
- First draft of the evaluation report: highlighting findings, conclusions and strategic recommendations; to be presented to the Member States.
- Second and final draft of the evaluation report: incorporating comments received on the first draft; to be shared with the WIPO Secretariat and presented to the WIPO Program and Budget Committee.

20. [The WIPO Secretariat will be responsible for monitoring the implementation status of management actions and timeframes related to evaluation recommendations, in consultation with the PBC, as appropriate.]

Pakistan proposed rewording of the above paragraph: [The external evaluation team will present the findings of the evaluation with PBC for appropriate actions by the Committee.]
Addition by the Secretariat: During the debate on this agenda item, Pakistan clarified that the wording should be: "The external evaluation team will present the findings to the PBC."

The African Group suggests deletion of the above paragraph.

US: replace paras. 19 and 20

In addressing the key questions, the evaluation shall also suggest possible improvements to each EO in its work in the implementation / advancement of WIPOs mandate, WIPOs Strategic Goals, MTSP and needs of the host country / region.

The evaluation team will first prepare an inception report, containing a description of the evaluation methodology and the methodological approach; data collection and analysis methods; key stakeholders to be interviewed; performance assessment criteria and the workplan of the evaluation.

The evaluation team will then prepare a first draft evaluation report with preliminary findings and recommendations.

The final output of the evaluation shall be a concise and clearly organized report of reasonable length, composed of an executive summary, introduction and brief description of the work undertaken to implement / advance WIPOs mandate, WIPOs Strategic Goals, MTSP and needs of the countries / region by each EO, the evaluation methodology used, and clearly structured, well-founded findings, as well as recommendations.

The leader of the evaluation team will be required to present the final evaluation to the Program and Budget Committee. (Algeria – “for its consideration and possible way forward”)

Russia – not agree with the above

[ALT CHAIR’s TEXT in lieu of para 19,20 :

15. The following are the expected deliverables of the evaluation in sequential order:

- **Inception report to include, (inter alia) (Russia – delete), an evaluation matrix based on (the evaluation questions and criteria) (Pakistan – delete) of the Terms of Reference; an analysis of available data; an analysis of relevant (stakeholders) (Russia – replace with beneficiaries) to be consulted during the evaluation process; and draft tools for data collection and analysis.**
- **Preliminary findings and conclusions resulting from a comprehensive process of data analysis, (triangulation) (Russia – awaiting clarification of meaning) and validation; to be presented to the (Member States) (Algeria, Russia – replace with “PBC”).**
- **An Interim Evaluation Report highlighting findings, conclusions and strategic recommendations; to be presented to the (Member States) (Algeria – replace with “PBC”).**
- **The Final Evaluation Report (incorporating comments received on the Interim Evaluation Report) (US – delete; France - support) to be presented to the WIPO Program and Budget Committee.] (“for appropriate action by the Committee” – Pakistan)**

H. Timetable

21. While some Member States presented detailed input concerning the timetable for the evaluation, this input is now out of date. Clearly, the timetable for the evaluation process will be driven by the progress of negotiations among the Member States on the Terms of Reference. Consequently, it is not possible at this time to articulate a timetable for the evaluation. In this regard, it should be noted that the Thirty-Fourth session of the WIPO Program and Budget Committee will be held from June 27 to July 1, 2022. It should further be noted that in line with the WIPO Languages Policy, documents for the Program

and Budget Committee would need to be translated into all six languages of the UN System. Furthermore, in accordance with established procedure in WIPO, documents would need to be submitted to the Committee at least two months in advance.

[CHAIR's ALT TEXT :

16. The Evaluation Committee shall make available its Interim Evaluation Report inter-sessionally and present its Final Evaluation Report to the (35th) (PBC Chair – delete) PBC for consideration and (appropriate action) (Algeria – replace with “possible way forward”) (by the Committee) (Uganda – delete) (Russia – “appropriate action by the committee” to be deleted).]