

Annex IV

Terms of Reference for the Team of Specialists on Intellectual Property

Introduction

1. The Programme of Work for the Committee on Economic Cooperation and Integration stipulates the establishment of a team of specialists “in order to ensure continuity of UNECE efforts in the area of intellectual property rights (IPRs) and to take advantage of the existing expertise, networks and resources of the former Intellectual Property Rights Advisory Group”.
2. In order to ensure speedy implementation of the Programme of Work of the Committee and to avoid jeopardizing the flow of resources, the existing network will be integrated into the Team of Specialists (TOS) for the following reasons:
 - (a) It will avoid the delays caused if a new network has to be established from scratch;
 - (b) It has guaranteed funding sources from both public and private sources; and
 - (c) It has an extensive network of experts available to implement the work programme.

Mandate

3. Supporting the implementation of the parts of the Programme of Work of the UNECE Committee on Economic Cooperation and Integration related to intellectual property, the Team of Specialists on Intellectual Property addresses the issues related to the role of intellectual property rights in the economic development of UNECE member States, with specific focus on transition economies.
4. The overall goal of the TOS is to build up local innovation systems, to help in commercializing intellectual property (IP) and to improve the investment environment in creative, innovative and high technology industries in the UNECE region, inter alia, via effective enforcement of IPRs.
5. The activities of the TOS aim at facilitating the effective regulatory protection of intellectual property rights and strengthening their role in innovative development. In its work, the TOS responds to the needs of Governments, and takes into account the needs of the private sector, consumers, researchers and civil society.
6. The TOS supports the Committee and member States in the following policy development and capacity-building objectives:
 - (a) Improved implementation of IPRs in countries in the region;

- (b) The development of support frameworks covering, in a holistic manner, all aspects of IPR commercialization and implementation, for those Governments which request such assistance;
- (c) Improved awareness by domestic private sectors of their IPRs and the means available for implementing them; and
- (d) Better communication and cooperation between the holders of IPRs and the civil servants involved in their protection.

Activities

7. To support the Committee to achieve its relevant objectives, the TOS engages in the following activities:
 - (a) Exchange of experience gained on IPR commercialization, protection and enforcement;
 - (b) Exchange of views (“consultations”) on specific issues related to legal framework, policies and business practices in the field of IP on request from member States, in order to, among other things, to assess the effectiveness of national systems;
 - (c) Preparation of an analytical comparative report on the commercialization of IP assets, on transforming R&D outputs into intangible assets and on the establishment of well-functioning markets for such products on the basis of existing reports;
 - (d) Organization of a meeting on IPR protection and transforming R&D outputs into intangible assets in economies in transition;
 - (e) Preparation of a collection of good practices and good policies of IP commercialization and protection in the UNECE member countries, with the aim of identifying specific areas of action;
 - (f) Preparation of a guidebook on commercialization strategies for IP products in the UNECE member countries;
 - (g) Development of policy recommendations for the consideration of the Committee;
 - (h) Capacity-building activities, including advisory missions and national and regional seminars in identified areas, on specific requests of member States; and
 - (i) Contribution of inputs to other thematic areas of work, as required by the Committee.

Working principles

8. The activities of the TOS in support of the above objectives are based on the following principles:

- (a) Public and private sector partnership to promote improvements in the commercialization, protection and exploitation of IP, to the benefit of economies of member States.
- (b) A focus on assistance and recommendations, rather than evaluation or judgment, when working with Governments to improve the implementation of IPRs;
- (c) The paramount importance of building confidence and an understanding of the mutual interest of the public and private sector participants in the Team; and
- (d) Full cooperation and coordination in all the Team's activities with the major international programmes on IP, including WIPO, WTO and the EU.

Membership

9. The TOS comprises government experts, as well as experts from relevant intergovernmental organizations, the private sector, consumer associations and academia. National experts are nominated through the respective government authorities responsible for cooperation with the Committee. In accordance with United Nations procedures, the TOS is open for participation of experts from intergovernmental organizations and international business, consumer and research associations which would like to contribute to the implementation of its work plan.

Modalities of operation

10. The TOS operates in accordance with the guidelines for the establishment and functioning of teams of specialists within UNECE (ECE/EX/2).

11. The TOS is established for a period of two years with a possibility of extension if so decided by the Committee. The Committee modifies the Terms of Reference of the TOS as may be required.

12. Secretariat support to the TOS is provided by the UNECE secretariat:

- (a) A regular staff member of the secretariat will service the TOS and in particular regular meetings, which will in principle be financed from the regular budget;
- (b) The TOS can make use of appropriate institutional arrangements, including the creation of a steering group or a Bureau, in order to secure speedy organization of technical cooperation activities; and
- (c) United Nations trust funds can be used to hire an external programme manager with specific experience in the field in order to secure, inter alia, implementation of the programme and contacts with donors, as well as to finance the implementation of the programme.

13. The TOS should avail itself of all appropriate expertise to avoid any undue delay in implementation.

14. The TOS develops its plan of work and reports to the annual session of the Committee on its implementation. At the end of the period for which it has been established, the team submits a full report on its accomplishments to the Committee.

15. Expenses associated with the implementation of the TOS plan of work are covered mostly through extrabudgetary contributions of member States and other stakeholders, to be provided, managed and used in accordance with United Nations rules and regulations.

16. At its first meeting, which will take place no later than 1 December 2006, the TOS will appoint a Chair and two Vice-Chairs. At the same meeting, it will adopt its plan of work for 2007-2008.