

Swedish International Development Cooperation Agency Supplementary
Contribution to the WTO Global Trust Fund

Factual overview on technical & financial cooperation for LDCs related to the TRIPS Agreement

**Identifying and responding to individual
priority needs of LDCs**

Final Report, May 2013

Prepared by:

SAANA CONSULTING

Acknowledgments

This report was prepared with the financial support of the Swedish International Development Cooperation Agency. The author wishes to acknowledge the kind assistance of the Intellectual Property Division of the WTO Secretariat in facilitating its preparation and in compiling the information contained in it.

The consultant bears the sole responsibility for the contents of the report. It does not necessarily reflect the views of the Swedish International Development Co-operation Agency or the WTO Secretariat. Any errors or omissions are the responsibility of the author.

List of Acronyms and Abbreviations

AANZFTA	ASEAN-Australia-New Zealand Free Trade Agreement
ACA2K	African Copyright and Access to Knowledge Project
AfT	Aid for Trade
AIPT	African IP Trust
APEC-IPEG	Asia-Pacific Economic Cooperation Intellectual Property Rights Expert's Group
ARIPO	African Regional Intellectual Property Organisation
ASEAN	Association of Southeast Asian Nations
ASEC	Applied Services Economic Centre
BDS	Business Development Services
BRELA	Business Registrations and Licensing Agency (Tanzania)
BSDA	Industrial Property Office and National Copyright Office (Senegal)
BSIP	Bangladeshi-Swiss Intellectual Property Project
BUMDA	Malian Copyright Bureau
CBD	Centre for Biological Diversity
CDIP	Committee on Development and Intellectual Property
CEMAPI	Malian Centre for the Promotion of Industrial Property
CIDA	Canadian International Development Agency
CIPO	Canadian Intellectual Property Office
DDIP	Development Dimension of Intellectual Property
DFID	UK Department for International Development
DPDT	Department of Patents, Designs and Trademarks (Bangladesh)
DTIS	Diagnostic Trade Integration Study
DUS	Distinctness, Uniformity and Stability
EAC	East African Community
ECAP	ASEAN Project on the Protection of Intellectual Property Rights
ECOWAS	Economic Community of West African States
EIF	Enhanced Integrated Framework
ECSP	Environmental Change and Security Project
EPA	Economic Partnership Agreements
EPO	European Patent Office
EU	European Union
FAO	Food and Agriculture Organisation
FAPI	Fonds d'Aide à la Promotion de l'Invention et de l'Innovation
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product

GI	Geographical Indication
GSPOA	Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property
ICTSD	International Centre for Trade and Sustainable Development
IGC	Intergovernmental Committee
IGO	Intergovernmental Organisation
IMP	Interface Public-Members
INLD	National Institute of Books and Recordings (Mozambique)
INPI	French Industrial Property Institute
INPI PT	Portuguese Industrial Property Office
ITC	International Trade Centre
IPAS	Industrial Property Automated System
IPI	Industrial Property Office (Mozambique)
IP	Intellectual Property
IPONZ	Intellectual Property Office of New Zealand
IPR	Intellectual Property Rights
ITTC	Institute for Training and Technical Cooperation
JICA	Japan International Cooperation Agency
LDC	Least Developed Country
LIPP	Swiss-Lao Intellectual Property Project
LYIP	Light Years IP
MBIE	Ministry of Business, Innovation and Employment (New Zealand)
MGDS	Malawi's Growth and Development Strategy
MoU	Memorandum of Understanding
MIPO	Malawi Intellectual Property Office
MTI	Ministry of Trade and Investment (Sierra Leone)
MTS	Multilateral Trading System
NDP	National Development Plan
OAPI	African Intellectual Property Organisation
OECD	Organisation for Economic Cooperation and Development
PARCA	Patents and Companies Registration Agency (Zambia)
PIIPA	Public Interest Intellectual Property Advisors
PIS	Patent Information System
PNDPI	National Intellectual Property Development Plan (Senegal)
PRH	National Board of Patents and Registration (Finland)
PRSP	Poverty Reduction Strategy Paper
PRV	Swedish Patent and Registration Office
R&D	Research and Development

RDB	Rwanda Development Board
SADC	Southern African Development Agency
SIDA	Swedish International Development Cooperation Agency
SMEs	Small and Medium-sized Enterprises
STI	Science, Technology and Innovation
STIP	Science, Technology and Innovation Policies
TECTAM	Technical Expert Committee on TRIPS and Access to Medicines
TIPASIC	Tanzanian Intellectual Property Advisory Services and Information Centre
TISC	Technology and Innovation Support Centres
TPRB	Trade Policy Review Body
TPR	Trade Policy Review
TPRD	Trade Policies Review Division
TPRM	Trade Policy Review Mechanism
TK	Traditional Knowledge
TRIPS	Trade-Related Aspects of Intellectual Property Rights
TRTA	Trade Related Technical Assistance
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNIDO	United Nations Industrial Development Organisation
USPTO	United States Patent and Trademark Office
UPOV	International Union for the Protection of New Varieties of Plants
URSB	Uganda Registration Services Bureau
USAID	United States Agency for International Development
WCO	World Customs Organisation
WHO	World Health Organisation
WIPO	World Intellectual Property Organisation
WTO	World Trade Organisation

Table of Contents

EXECUTIVE SUMMARY	1
1. INTRODUCTION.....	3
1.1 Background	3
1.2 Objectives	5
1.3 Scope of work.....	6
2. METHODOLOGY.....	7
2.1 Designing the information resource	7
2.2 Taxonomy of technical and financial co-operation related to TRIPS.....	7
2.3 Data sources and availability.....	8
Needs communicated by LDCs.....	8
WTO Trade Policy Reviews	8
WTO accession protocols for LDCs	9
WTO TRIPS Article 67 notifications.....	9
WTO seminars and symposium	10
Enhanced Integrated Framework - Diagnostic Trade Integration Study.....	10
Other publicly available databases, publications and sources	11
2.4 Limitations	12
3. STATE OF PLAY WITH IP SYSTEMS IN LDC MEMBERS.....	13
3.1 National level policies & measures in LDC members	13
Policy framework.....	13
Legal framework	17
IP administration	21
IP enforcement	27
Using IP as a development tool.....	30
3.2 Regional level policies & measures relevant to LDC members.....	34
African Regional Intellectual Property Organisation	34
Organisation Africaine Propriété Intellectuelle.....	36
East African Community.....	37
Association of Southeast Asian Nations.....	38
4. IDENTIFYING LDC NEEDS	40
4.1 Priority needs communicated by LDCs to date.....	40
Sierra Leone	40
Uganda	41
Bangladesh.....	43
Rwanda	44
Tanzania.....	46
Senegal	47
Mali	48
Madagascar	49
4.2 Ongoing and planned communication of needs by LDCs	51
Malawi	51
Nepal	51
Cambodia	52
Lesotho.....	54
5. TECHNICAL AND FINANCIAL CO-OPERATION PROGRAMMES FOR LDCS	55
5.1 Overview and key trends	55
5.2 Bilateral programmes – European Union.....	58
European Union.....	58

Finland.....	59
France	59
Germany.....	59
Italy.....	59
Portugal	60
Sweden.....	60
United Kingdom	60
5.3 Bilateral programmes – other WTO member countries	61
Australia.....	61
Canada	62
Japan.....	62
New Zealand.....	63
Norway	63
Switzerland	64
United States of America	64
South-South programmes.....	65
5.4 International Organisations	65
African Regional Intellectual Property Office	65
European Patent Office.....	66
Food & Agricultural Organisation	66
Organisation for Economic Cooperation and Development	66
Organisation Africaine Propriété Intellectuelle.....	66
United Nations Conference on Trade and Development	67
International Union for the Protection of New Varieties of Plants.....	67
South Centre.....	68
World Bank	68
World Customs Organisation	68
World Health Organisation	69
World Intellectual Property Organisation	69
WTO and Enhanced Integrated Framework.....	71
Trilateral Cooperation WHO-WIPO-WTO.....	72
5.5 International Non-Governmental Organisations	72
International Centre for Trade and Sustainable Development	72
Light Years IP	73
Public Interest Intellectual Property Advisors	73
6. CONCLUSIONS & RECOMMENDATIONS	75
6.1 Encouraging more LDCs to communicate their needs.....	75
6.2 Strengthening the process of needs communication.....	76
6.3 More efficient mechanisms to match demand and supply	76
6.4 Improving usability of information sharing databases	77
ANNEX A RESOURCES FOR THE COMMUNICATION OF NEEDS	79
ANNEX B NATIONAL IP OFFICES IN LDC WTO MEMBERS.....	84
ANNEX C STATISTICAL DATA ON IP ADMINISTRATION.....	88
ANNEX D MEMBERSHIP OF MAJOR INTERNATIONAL IP TREATIES BY LDC WTO MEMBERS	94
ANNEX E IP LEGISLATION IN LDC WTO MEMBERS.....	97
ANNEX F TECHNICAL & FINANCIAL ASSISTANCE TO LDCS.....	101
ANNEX G SUPPLY OF ASSISTANCE TO LDCS BY CO-OPERATION PARTNERS.....	103

List of tables, figures and text boxes

Table 1. The LDC members of the WTO

Table 2. Further information resources

Table 3. Case studies on IP-related policy frameworks in LDC members

Table 4. Case studies on IP-related legal frameworks in LDC members

Table 5. Case studies on IP administration in LDC members

Table 6. Case studies on IP enforcement in LDC members

Table 7. Case studies using IP as a development tool in LDC members

Figure 1. Section 2 outline

Figure 2. Section 5 outline

Figure 3. Number of LDC members reported as direct beneficiaries of assistance

Figure 4. Number of co-operation partners providing assistance to LDC members

Figure 5. Section 6 outline

Text box 1. Key findings from Cambodia, Lesotho, and Nepal's DTIS

Text box 2. Sierra Leone's follow up to needs communication

Text box 3. Uganda's follow up to needs communication

Text box 4. Key aspects of sequencing of implementation of LDC national IP programmes.

Text box 5. Examples of WIPO activities with LDCs in 2012