

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

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SAANA CONSULTING

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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

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EXECUTIVE SUMMARY

The WTO TRIPS Agreement entered into force on 1st January 1995, providing minimum standards for protection of intellectual property rights (IPR), as well as enforcement, whilst leaving it to individual members to determine their implementation strategy and trajectory. The WTO Council for TRIPS was established alongside the Agreement to administer its operation, and this includes monitoring implementation by WTO members.

The TRIPS Agreement recognises the particular concerns and needs of Least Developed Countries (LDCs) when it comes to the IP system. The Agreement specifically recognises the continuing needs of LDC members for technical and financial cooperation so as to enable them to realise the economic, cultural, social, technological and other developmental objectives of IP protection. Article 67 of the Agreement requires developed countries to provide technical and financial cooperation in favour of developing country Members, including LDCs, on request and on mutually agreed terms and conditions. To facilitate the implementation of Article 67 for the benefit of LDC members, in November 2005, the Council for TRIPS called on LDC members to identify their priority needs for technical and financial cooperation. It stated that developed countries would provide technical and financial cooperation in order to effectively address the needs identified, and requested the WTO to seek enhanced cooperation with other international organisations.

This resource aims to provide a factual overview of the latest situation regarding the identification of priority needs by LDC members and the responses given to them by developed countries and other development partners, strengthening the flow of practical information and coordination with WTO members, inter-governmental organisations and other providers of technical and financial assistance. It further aims to promote practical coordination so as to match more systematically the priority needs identified with available programmes and providers of technical and financial assistance.

Chapter 1 recalls the background and implementation history to date of the TRIPS Agreement, and then defines the objectives and scope of work for this study.

Chapter 2 presents the methodology adopted for the study including the design of the information resource, identifying the stages involved; a taxonomy of technical and financial co-operation related to TRIPS, and comments on data sources, availability and limitations.

Chapter 3 broadly assesses the state of play with regards to IP-related policies and measures in LDC members with case studies from individual LDCs where data availability has been sufficiently strong. The analysis has been separated into the following headings:

- Policy framework
- Legal framework
- IP administration
- IP enforcement
- Using IP as a developmental tool

This chapter further considers the regional level policies and measures relevant to LDC members including those of the African Regional Intellectual Property Organisation (ARIPO), the Organisation Africaine de la Propriété Intellectuelle (OAPI), the Association of Southeast Asian Nations (ASEAN), and the East African Community (EAC).

Chapter 4 provides an analysis of LDC needs as identified and communicated by the individual LDC members themselves. The countries that have submitted needs

communications to the Council for TRIPS to date are Sierra Leone, Uganda, Bangladesh, Rwanda, Tanzania, Senegal, Mali and Madagascar. The LDC members who have reported ongoing or planned needs assessments are Cambodia, Lesotho, Malawi and Nepal. Each LDC member is considered in turn, detailing the articulated financial and technical needs identified.

Chapter 5 provides summaries of bilateral and multilateral technical and financial co-operation programmes for LDCs provided by developed countries, non-governmental organisations (NGOs) and inter-governmental organisations (IGOs) that provide IP technical assistance. The chapter also provides a summarised analysis of the overall picture for provision of IP technical assistance to LDC members between 2008-2012, based on analysis of data from submissions made to the TRIPS Council each year by developed countries and international organisations under Article 67.

Finally, **Chapter 6** provides conclusions and recommendations for improving the coordination processes for identifying and meeting the priority needs articulated by WTO LDC members.

- **Recommendation 1** encourages more LDC members to communicate their needs to the TRIPS Council, highlighting their unique value for co-ordination and the numerous toolkits available to assist LDCs in the needs assessment process.
- **Recommendation 2** supports the strengthening of the process of needs communications in the TRIPS Council, as well as calling for greater efforts to link-up with other ongoing processes that may provide information on IP-related priority technical assistance needs.
- **Recommendation 3** highlights the need for more efficient mechanisms to match demand and supply of technical assistance to LDCs. It calls for more effective communication channels and focused discussion between WTO members and other development partners on specific areas where considerable efficiency gains can be made, facilitated by the WTO Secretariat.
- Finally, **Recommendation 4** looks to improve usability of information sharing databases, calling for the upgrading of existing models to promote better accessibility and coordination on IP-related technical and financial co-operation through the information about individual LDC needs; co-operation partners' past activities; and pipeline activities.

1. INTRODUCTION

This document provides a factual overview to promote coordination of technical and financial cooperation under the TRIPS Agreement for the benefit of Least Developed Country Members of the WTO. It has been prepared as a factual overview for the LDC Group as part of a consultancy assignment carried out by Tom Pengelly of Saana Consulting with the sponsorship of the Swedish International Development Cooperation Agency (SIDA).

The document considers broadly the state of play in the 33 LDC WTO members¹ in developing their intellectual property (IP) systems; outlines the identified needs of LDC members for technical and financial assistance related to TRIPS implementation; and surveys the provision of assistance in this field by international organisations, bilateral co-operation partners and non-governmental organisations.

Table 1. The LDC members of the WTO

Year of joining WTO	LDC
1995	Bangladesh, Burkina Faso, Burundi, Central African Republic, Djibouti, Guinea, Guinea-Bissau, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mozambique, Myanmar, Senegal, Sierra Leone, Tanzania, Togo, Uganda & Zambia
1996	Angola, Benin, Chad, Gambia, Haiti, Niger, Rwanda & Solomon Islands
1997	Democratic Republic of Congo
2004	Cambodia & Nepal
2012	Samoa & Vanuatu
2013	Lao People's Democratic Republic

Importantly, the focus of this document is on collating and analysing information on the *articulated needs* of LDCs for technical and financial assistance as mandated by the TRIPS Council in November 2005, as well as on the *effective supply* from co-operation partners as foreseen under Article 67 of the TRIPS Agreement to meet those needs.

This document does as such not attempt a discussion or assessment of TRIPS compliance by LDC members; nor does it address the specific issue of a possible extension of the transitional period for LDCs for implementation of the TRIPS Agreement beyond the present date of 1st July 2013.

1.1 Background

The TRIPS Agreement forms part of the package of trade law that entered into force in 1995 with the creation of the World Trade Organisation. Large disparities in IP protection around the world and a steady increase in trade in counterfeit and pirated goods led the major developed economies to include IP protection in the Uruguay Round negotiations that resulted in the creation of the WTO. As articulated in its Preamble, the TRIPS Agreement therefore sets out to reduce distortions and impediments to trade. IP as defined by the TRIPS Agreement encompasses: i) copyright and related rights; ii) trademarks; iii) geographical indications; iv) industrial designs; v) patents; vi) layout-designs (topographies) of integrated circuits; vii) plant variety rights and viii) protection of undisclosed information (trade secrets).

¹ Lao People's Democratic Republic acceded to the WTO on 2 February 2013 and as such has not been considered separately at length in this report.

The TRIPS Agreement provides minimum standards for protection for each of these eight types of IP, as well as enforcement, whilst leaving it to individual countries to determine their implementation strategy and trajectory. The TRIPS Agreement drew on several existing treaties (including the Berne and Paris Conventions) and further extended or reinforced these existing IP standards. It is furthermore founded upon the same general principles of non-discrimination as other agreements in the WTO, namely national treatment and most-favoured nation treatment (except that the TRIPS Agreement does not incorporate a regional integration clause which would reserve the option of providing better treatment of partners to regional agreements than to other WTO members). The Council for TRIPS was established to administer the operation of the TRIPS Agreement; this includes monitoring implementation by members.

Under the TRIPS Agreement, the original transition period for its implementation by LDCs under Article 66.1 was to end on 1st January 2006. This longer transition period recognised the special needs and requirements of LDC Members, their economic, financial and administrative constraints, and their need for flexibility to create a viable technological base. The TRIPS Agreement also foresaw the possibility of extensions of this period, and the TRIPS Council decided on 29th November 2005 that the transition period was to be extended to 1st July 2013.² At the time of writing, consultations are under way concerning a further extension of this period, pursuant to a request by LDC Members³. The transition period applies to all TRIPS obligations with the exception of Articles 3, 4 and 5, which incorporate the principles of national treatment and most-favoured nation treatment, and regulates the relationship between the TRIPS Agreement and other multilateral agreements on acquisition or maintenance of IP rights.

Pursuant to the Doha Declaration on the TRIPS Agreement and Public Health⁴, the Council had earlier adopted on 27th June 2002, a decision extending the transition period under Article 66.1 for certain obligations concerning pharmaceutical products.⁵ Thus, LDCs are not obliged with respect to pharmaceutical products, to implement or apply Sections 5 (concerning patents) and 7 (concerning undisclosed information) of Part II of the TRIPS Agreement or to enforce rights provided for under these Sections until 1st January 2016.

Both decisions were made without prejudice to the right of LDC Members to seek other extensions of the period provided for in Article 66.1 which provides that the Council for TRIPS “shall, upon duly motivated request by a least developed country Member, accord extensions” of the implementation period for LDCs. In 2002, the WTO General Council also approved a waiver that exempted LDCs from having to provide exclusive marketing rights for any new drugs in the period when they do not provide patent protection.⁶

The TRIPS Agreement recognises the particular concerns and needs of LDCs when it comes to the IP system. Indeed, its preamble acknowledges LDCs’ particular needs for maximum flexibility in implementing laws and regulations domestically. The Agreement also recognises the continuing needs of LDC Members for technical and financial cooperation so as to enable them to realise the economic, cultural, social, technological and other developmental objectives of IP protection. Article 67 requires developed countries to provide technical and financial cooperation in favour of developing country Members, including LDCs, on request and on mutually agreed terms and conditions.

² WTO, 2005 Press Release: Extension of the transition period under article 66.1 for LDC members, Decision of the Council for TRIPS of 29th November 2005 http://www.wto.org/english/news_e/pres05_e/pr424_e.htm

³ Request for an extension of the transitional period under Article 66.1 of the TRIPS Agreement, Communication from Haiti: IP/C/W/583

⁴ WTO Declaration on the TRIPS Agreement and Public Health, http://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_trips_e.htm

⁵ WTO, 2002 Press Release: Council approves LDC decision with additional waiver, https://www.wto.org/english/news_e/pres02_e/pr301_e.htm

⁶ Ibid.

In extending the transition period for LDCs and setting up the process of communicated needs and coordinating the delivery of assistance to respond to the needs identified, the TRIPS Council's Decision of 29th November 2005 contains the following three operational elements:

- **LDCs** are asked to provide the TRIPS Council with as much information as possible on what they need as a priority for technical and financial assistance. The purpose is to help them take the necessary steps to implement the TRIPS Agreement, and it would not only be for the purely technical and legal exercise of translating TRIPS provisions into their laws. The emphasis is on identifying priority needs and interests so that the assistance given is comprehensive and coordinated and meets individual LDCs' developmental and other objectives.
- **Developed countries** are asked to provide technical and financial assistance to LDCs to address the identified needs effectively. This means that co-operation partner countries or organisations providing technical assistance are also responsible for making the process work. Effective coordination will ensure that the identified needs are followed up and duplication is minimised. The whole process remains demand-driven, centred on actual requirements each LDC has identified.
- **The WTO** is asked to enhance its cooperation with WIPO and other relevant international organisations. The two organisations are now cooperating more closely in this area, in response to the request and based on a Cooperation Agreement adopted in 1995, as well as a Joint Initiative on Technical Cooperation for Least Developed Countries, launched in June 2001.

Past WTO activities aimed at coordinating needs-based LDC technical assistance, as well as continuing policy debate, notably in the Council for TRIPS, have identified the need for an accessible, comprehensive and up-to-date overview of identified individual priority needs of LDCs, information on the state of play of IP systems in LDCs, and programmes that can provide the technical and financial resources required to meet individual priority needs identified by LDCs. Large amounts of data are available on each of these points, including in the form of numerous notifications and reviews provided to the WTO, but this raw data is difficult to review in a systematic, comprehensive manner suitable for delegations and decision-makers to consult.⁷

1.2 Objectives

This assignment was prepared with the aims of updating factual information on the identification of priority needs by LDCs and the responses given to them; strengthening the flow of practical information between bilateral co-operation partners, IGOs and other providers of technical and financial assistance; and promoting practical coordination so as to match more systematically the priority needs with available programmes.

A great deal of relevant information is already available in a range of public sources, including many WTO notification documents, but it is diverse in character and it is effectively impossible for delegates, officials and policymakers to gain a practical overview.

This document therefore presents in a distilled and accessible form reported, factual information provided by WTO Members and by its intergovernmental partners, in order to provide a richer and more usable base of information for the process of coordination between identification of priority needs and the availability of technical and financial assistance relevant to those needs.

⁷ WTO, 'A Handbook on the WTO TRIPS Agreement', Appendix II contains a 'Guide to TRIPS Documentation'

1.3 Scope of work

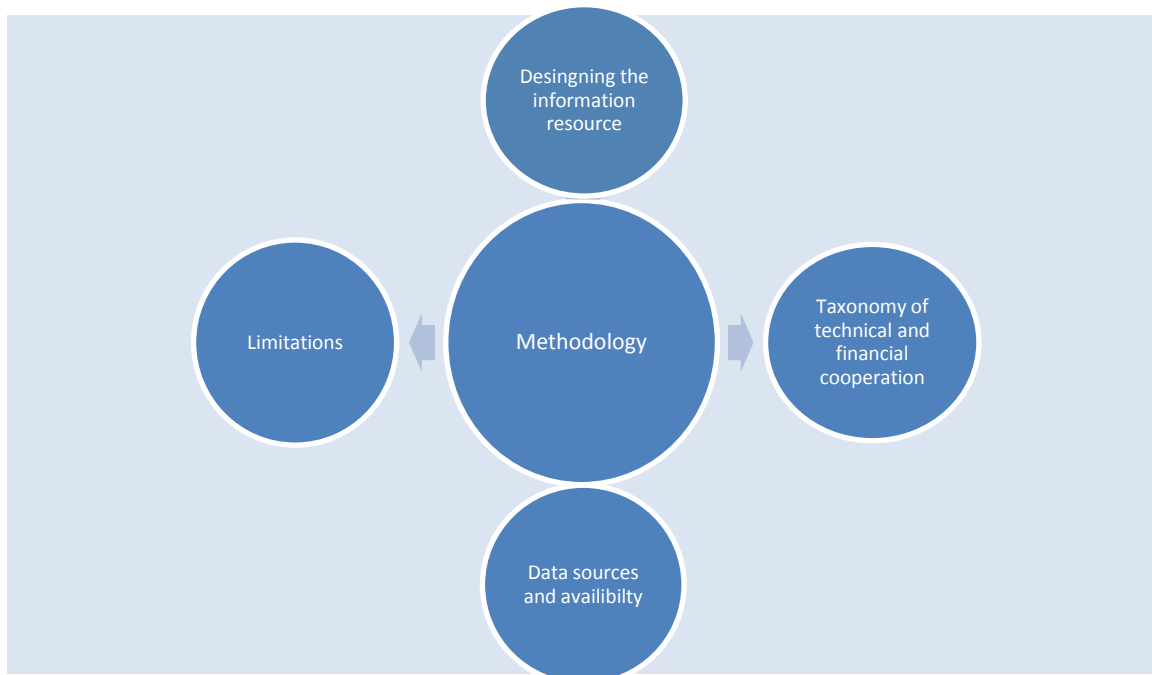
The scope of work of this assignment draws on reported publicly available materials to provide a distilled and accessible overview of:

- Currently reported IP-related policies and measures in LDC members, and identified priority needs for technical and financial cooperation for those LDCs who have completed submissions to the TRIPS Council and for those LDCs that have submissions under way.
- Currently reported programmes and resources relevant to identifying individual priority needs of LDC members who are in the process of identifying their needs, including projects under way that support the identification of such needs.
- Current reported status of responses to needs identified by LDCs, including projects under way that respond to individual priority needs.
- Further reported information on programmes of developed country members and IGOs that may be relevant to the effective provision of technical and financial assistance required to fulfil needs identified by LDC members.

This document is intended to serve as a practical tool to facilitate the coordination of technical and financial cooperation under the TRIPS Agreement. It is not intended to assess the extent of implementation of TRIPS standards by individual LDCs, nor to advocate any approach to TRIPS implementation, nor address any question regarding the rights and obligations of LDC members of the WTO. It is intended as a factual overview only.

2. METHODOLOGY

Figure 1. Section 2 outline



2.1 Designing the information resource

This document has been prepared mostly through desk-based research in a review of publicly available documents and internet resources (see Section 2.3), but it is also informed by a November 2012 Symposium organised in Geneva by the Intellectual Property Division of the WTO Secretariat. The purpose of the Symposium was to discuss the successes and challenges associated with the programme of enhanced coordination of technical and financial assistance initiated by the TRIPS Council Decision of 29th November 2005.

During the Symposium a number of LDCs reported on their current processes in relation to the definition of or progress in addressing their priority needs for technical and financial assistance. Further, developed country members and co-operation partners reported on the work they have been doing, the range of relevant technical cooperation programmes, and the focus they intend to take in this area in the near future.

2.2 Taxonomy of technical and financial co-operation related to TRIPS

LDCs have a variety of needs in modernising their national IP systems and adapting them to serve their individual economic, social and developmental objectives, including their obligations under international agreements such as TRIPS. Technical and financial cooperation programmes respond to these different kinds of needs and they can be classified as follows:

- IP policy framework
- IP legal framework
- IP administration
- Enforcement and regulation regime
- Promoting innovation, creativity and technology transfer

2.3 Data sources and availability

Needs communicated by LDCs

The WTO TRIPS Council Decision of 29th November 2005 invited LDC members to submit as much information as possible on their individual priority needs in order to make the provision of targeted technical assistance and financial cooperation an easier and more efficient process.

The specific objective of communicating national needs is to review the current status of the IP regime and innovation infrastructure in LDCs in order to provide assistance for the next stage of required reforms, together with a tailored program of capacity building and awareness raising for key stakeholders from government, the private sector and civil society.

Between November 2005 and January 2013, seven LDCs - Sierra Leone, Uganda, Bangladesh, Rwanda, Tanzania, Senegal & Mali - communicated their needs for technical and financial assistance to the WTO TRIPS Council. Madagascar has also recently communicated its needs to the TRIPS Council.⁸ These reports are an invaluable resource in understanding LDCs' priority needs in the field of IP, and importantly, are based on those needs that each country itself identifies. Submissions are also expected from other LDCs including Cambodia, Lesotho, Malawi, and Nepal.

WTO Trade Policy Reviews

The Trade Policy Review Mechanism (TPRM) was an early result of the Uruguay Round, being provisionally established at the Montreal Mid-Term Review of the Round in December 1988. Article III of the Marrakesh Agreement, agreed by Ministers in April 1994, placed the TPRM on a permanent footing as one of the WTO's basic functions and, with the entry into force of the WTO in 1995, the mandate of the TPRM was broadened to cover services trade and intellectual property.

Reviews are conducted by the Trade Policy Review Body (TPRB) on the basis of a policy statement by the member under review and a report prepared by the WTO Secretariat's Trade Policy Review Division and input from substantive divisions.

The reports consist of detailed chapters examining the trade policies and practices of the members and describing trade policymaking institutions and the macroeconomic situation; these chapters are preceded by the Secretariat's Summary Observations, which summarise the report and presents the Secretariat's perspective on a Member's trade policies. The Secretariat report and the Member's policy statement are published after the review meeting, along with the minutes of the meeting and the text of the TPRB Chairperson's Concluding Remarks delivered at the conclusion of the meeting. It must be noted however that there are limitations to the availability of this information since LDC members are only reviewed once every six years.

In the preparation of this document, the Consultant has been able to make use of around 15 TPRs from 2008 onwards. These have provided useful insights into the state of play in individual LDC members in relation to policy measures, legislation, administration and enforcement of IP.

⁸ WTO TRIPS Council submissions from LDC members: Sierra Leone (IP/C/W/499); Uganda (IP/C/W/500); Bangladesh (IP/C/W/546); Rwanda (IP/C/W/548); Tanzania (IP/C/W/552); Senegal (IP/C/W/555); Mali (IP/C/W/575); Madagascar (IP/C/W/584).

WTO accession protocols for LDCs

After the WTO came into being, further LDCs have joined the organisation as a result of accession negotiations. WTO membership means a balance of rights and obligations. Members enjoy the privileges that other member states give to them and the security that the trading rules provide. In return, they must make commitments to open their markets and to abide by the rules, and those commitments are the result of the membership (or 'accession') negotiations.

Once the working party has completed its examination of an applicant's trade regime, and the parallel bilateral market access negotiations are complete, the working party finalises the terms of accession. These appear in a report, a draft membership treaty ('protocol of accession') and lists ('schedules') of the member-to-be's commitments. The final package, consisting of the report, protocol and lists of commitments, is presented to the WTO General Council or the Ministerial Conference for adoption. Once it has been adopted, an applicant is free to sign the protocol and to accede to the organisation.

These accession protocols therefore contain important information about acceding countries' IP systems and commitments. With the accessions of Nepal and Cambodia, and more recently Samoa and Vanuatu, to the WTO, the accession protocols have been a useful resource for this study in showing the state of play in these 4 LDC member countries regarding their national IP systems.⁹

WTO TRIPS Article 67 notifications

Article 67 of TRIPS requires that "developed country Members shall provide, on request and on mutually agreed terms and conditions, technical and financial cooperation in favour of developing and least-developed country Members". To ensure that information on available assistance is readily accessible and to facilitate the monitoring of compliance under the obligation of Article 67, developed country members have agreed to present descriptions of their relevant technical and financial cooperation programmes to the TRIPS Council and to update them annually. The Council normally holds its annual review of technical cooperation at its meetings in the autumn and requires the submission of these documents sometime in September/October each year.

The information from developed country members, IGOs and the WTO Secretariat on their technical cooperation activities in the area of TRIPS is circulated in a series of documents that are made available on the WTO documents online database. This information can be accessed through the TRIPS transparency toolkit webpage.¹⁰ Developed country members have reported extensively on their technical assistance programmes under Article 67 since 1995. In addition, the EU, Japan and Canada made supplementary submissions in 2012 focusing specifically on responses to identified LDC needs.¹¹ These documents have been considered as an additional source of information regarding bilateral and regional support to LDC members in the preparation of this document.

The Consultant has reviewed all such submissions filed between 1995 and 2012, and developed separate matrices for 33 WTO-member LDCs along the variables of years and co-operation partners.¹² A summary of each type of co-operation partner activity has been noted (in italics where the LDC member has been specifically named and in regular font

⁹ Lao People's Democratic Republic acceded to the WTO on 2 February 2013 but data from the accession protocol has not been included in this version of the report.

¹⁰ TRIPS Transparency Toolkit: http://www.wto.org/english/tratop_e/trips_e/trips_toolkit_e.htm

¹¹ LDC Priority Needs in Intellectual Property: Submissions received from Developed Country Members (EU - IP/C/W/568, Japan - IP/C/W/572, Canada - IP/C/W/579)

¹² Lao People's Democratic Republic acceded to the WTO on 2 February 2013 and as such has not been considered separately at length in this report.

where it is likely that the LDC was a beneficiary given its membership of the relevant group). While these reports are unlikely to be a complete and exhaustive record, this analysis does give the best available indication of the kind of assistance that each LDC member has received from which co-operation partner and over what timeframe.

WTO seminars and symposium

In recent years, at the request of the LDC Group, the WTO Secretariat has convened a series of workshops, both regionally and in Geneva, on the process of identifying priority needs and coordinating technical and financial cooperation. The most recent of these was the Symposium on LDC Priority Needs for Technical and Financial Cooperation from 31st October to 2nd November 2012¹³.

The Consultant was able to attend the November 2012 symposium and this has proved very helpful in gaining an improved and updated overview of the issues facing LDC members in mobilising technical and financial assistance in the field of IP. In particular, there were useful presentations and interventions at the November 2012 symposium in terms of understanding the priority needs of LDCs, the ongoing processes for identifying needs, the assistance developed countries are able and willing to provide, as well as challenges in coordinating demand and supply.

Enhanced Integrated Framework - Diagnostic Trade Integration Study

The Enhanced Integration Framework (EIF) is a multi-donor programme, which supports LDCs to be more active players in the global trading system by helping them tackle supply-side constraints to trade. The Diagnostic Trade Integration Study (DTIS) is the cornerstone of the programme providing the basis for all subsequent EIF projects¹⁴. A DTIS evaluates internal and external constraints on a country's integration into the world economy, and recommends areas where technical assistance and policy actions can help the country overcome these barriers. The analysis covers specific sectors of the economy as well as cross-cutting institutional issues, such as market access, transportation and trade facilitation, standards, poverty, and core trade policy. An action matrix facilitates discussions with the government, co-operation partners, and the private sectors after the diagnostic study is completed. The World Bank is now in the process of updating existing studies, funded largely with resources from the EIF.

A number of LDC members have requested IP-related technical and financial assistance within their DTIS/DTIS Updates and Action Matrices. In the research for this report, the relevant reports and matrices have been briefly reviewed and it has been found that at least 15 countries¹⁵ have provided information about their technical and financial assistance needs and requirements related to IP in their DTIS and action matrices.

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

Cambodia indicated in the DTIS (2007) the need for IP education in order to strengthen human resource capacity in IP knowledge. Additional needs identified included the establishment of a commercial court system.

Lesotho's action matrix identified the need for training, legal expertise and support to enhance integration with South Africa's IPR regime.

¹³ Details of this consultative process including presentations made are available at http://www.wto.org/english/tratop_e/trips_e/lcdc_e.htm

¹⁴ EIF, Compendium of EIF Documents: A user's guide to the EIF, 2011

¹⁵ Cambodia, Guinea, Lesotho, Lao PDR, Mali, Mozambique, Nepal, Niger, Rwanda, Samoa, Senegal, Sierra Leone, Solomon Islands, Tanzania & Vanuatu.

Nepal's DTIS and action matrix identified the need for formal, legal regimes to establish IPRs over ethno-botanical knowledge, traditional cultural expressions and genetic resources. Further needs identified include capacity building in the judicial system to handle IP disputes as well as a public education campaign.

Other publicly available databases, publications and sources

A number of other sources have been useful in the preparation of the information resource. These resources as well as the nature of the information found in them are outlined in the table below.

Table 2. Further information resources

Name	Type of Information	Relevant Link
WIPO Lex	National legislation since 1995.	http://www.wipo.int/wipolex/en/
WIPO Statistics	Statistics primarily on IP administration (e.g. applications and grants of patents and trademarks).	http://www.wipo.int/ipstats/en/
WIPO IP Strategies	LDCs' national IP strategies.	http://www.wipo.int/ip-development/en/strategies/national_ip_strategies.html
National Development Plan (NDP) & Poverty Reduction Strategy Paper (PRSP)	NDPs and PRSPs are likely to contain broader objectives for the IP system (if this subject is discussed at all). Moreover, the context in which IP is discussed (innovation, growth, agriculture, public health, etc.) will be indicative of key development priorities.	http://www.imf.org/external/np/prsp/prsp.aspx
Science, Technology and Innovation (STI) Policy	Where these exist, STI policies are likely to have some discussion of IP policy objectives.	http://unctad.org/en/Pages/Publications/Science,-Technology-and-Innovation-Policy-Reviews-(STIP-Reviews).aspx
WIPO Country Profiles	General information about LDCs' national IP systems and participation in major international treaties (Berne, Paris, Madrid, Hague, UPOV, PCT etc).	http://www.wipo.int/directory/en/
WTO Notifications	Notifications of changes to LDCs' IP laws.	http://www.wto.org/english/tratop_e/trips_e/trips_nofif2_art63-2_e.htm
UNCTAD	Development Dimension of Intellectual Property Reports	http://unctad.org/en/Pages/DIAE/Intellectual%20Property/UNCTAD-ICTSD-Reports-Development-Dimension-of-Intellectual-Property.aspx
The World Bank's Development Indicators	General background information on LDCs' levels of economic and industrial development.	http://data.worldbank.org/data-catalog/world-development-indicators
National and Regional IP Office Homepages	General information about national IP systems.	Various
WIPO IP Development Matchmaking	Online tool for matching specific IP related development needs with resources offered by	http://www.wipo.int/dmd/en/

Database	potential co-operation partners.	
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2.4 Limitations

As the previous section outlines, this document relies on publicly available data sources. This means that the factual overview will not be as comprehensive as if in-depth stakeholder interviews and primary data collection had been undertaken with national authorities in LDC member capitals.

Further, although the subsequent section (Chapter 3) considers the state of play with IP-related policies and measures in LDC members broadly, the focus of this assignment means that only LDC members that have communicated their needs to date¹⁶; or are reported to be in process of doing so¹⁷ have been considered in depth, in addition to those LDC members with recent WTO TPRs and/or accession protocols¹⁸. In total, 17 of the 34 LDC WTO members fall into one of these three categories.

Furthermore, most, if not all, LDC members are likely to have individual priority needs for technical and financial assistance related to TRIPS, but because their needs have not been explicitly articulated in publicly available sources they are not profiled in Chapter 4. More updated information is available for member states that were present at the November 2012 symposium, both in terms of LDCs and their needs, and co-operation partners.

Importantly, the focus of the resource is on the needs of LDCs and on meeting those needs with effective supply from co-operation partners. The resource expressly does not address policy questions, such as the transitional period for LDC members. Rather it focuses on needs as identified by LDCs themselves.

¹⁶ Bangladesh, Mali, Madagascar, Rwanda, Senegal, Sierra Leone, Tanzania and Uganda.

¹⁷ Cambodia, Lesotho, Malawi and Nepal.

¹⁸ Burundi, Mozambique, Samoa and Vanuatu.

3. STATE OF PLAY WITH IP SYSTEMS IN LDC MEMBERS

3.1 National level policies & measures in LDC members

Drawing on the publicly available data sources highlighted in Section 2, this section aims to present a factual overview of the current state of play in LDC members regarding a number of dimensions of their national IP systems.

It is important to note that the analysis is heavily constrained by the limited availability of data. The LDC members for which a significant amount of data is available (through the communication of their needs to the TRIPS Council and/or recent WTO TPRs/accession protocols) have been included as case studies. As noted above, this represents 17 of the 34 LDC WTO members.

For the remaining 17 LDC members, the data availability constraints are so significant that any conclusions made about the level of modernisation of these IP systems would not be robust or evidence-based. The LDC members included here should therefore not be considered a necessarily representative sample of the entire group of LDCs more widely as they have been selected only on the basis of availability of relevant information. Moreover, the fundamental premise of the TRIPS Council decision in November 2005 was for LDC members to identify and communicate their *individual* needs for technical and financial assistance.

Policy framework

Participating in international rule-making and implementing international agreements such as the TRIPS Agreement requires the preparation and implementation of a range of policies, laws and regulations.

Specifically, a robust national IP system requires policies cutting across trade and industrial policy, agriculture, public health, science and technology, culture and education. This in turn demands specialised technical and analytical skills as well as the ability to coordinate the policy development process so as to ensure the participation of key stakeholders both within and outside of government. An overall national IP strategy or development plan complements a national IP policy by setting common objectives and an agreed framework amongst different stakeholders to guide the systematic modernisation and utilisation of the IP system for economic, social and cultural development.

A number of LDC members have formulated IP policies and/or strategies, and national IP policy/strategy formulation processes are currently under way in a number of others, often with the support of WIPO. For example, Tanzania is currently finalising its IP policy whereas Nepal and Cambodia have initiated the process. In Cambodia, a significant step towards consolidating IPR policy-making, enforcement, and technical assistance was taken through the establishment of the National Committee for Intellectual Property Management in 2008. It is responsible for developing national policy on intellectual property, strengthening inter-agency cooperation, preparing and disseminating new laws and regulations, and acting as a clearinghouse for technical assistance relating to intellectual property.

WIPO has been playing an increasingly active role in the development of national IP policies, strategies and IP development plans in LDC members, in line with recommendations from the WIPO Development Agenda initiative. According to a WIPO report to the UN Special Adviser to Africa for 2011-2012, WIPO-supported national IP development plans or policies:

- Had been adopted and were in different stages of implementation in Mozambique, Rwanda, Senegal, Zambia and Uganda.

- Were under discussion and formulation in Burundi, Democratic Republic of Congo, Mali, Sierra Leone and Tanzania, Mali.
- Were foreseen to begin formulation and discussion with the support of WIPO expert missions in Chad and the Gambia.

National economic development plans are of fundamental importance to the development of LDCs, but for countries where such plans have been identified, IP issues are addressed and integrated in only a few. Science, Technology and Innovation (STI) policies can also be developed to encourage IP awareness, as well as to support the technological transformation, capacity-building and innovation of enterprises and to improve linkages between the research and industry sectors. Many WTO-member LDCs appear to not have STI policies in place and only in a few of those that do is IP explicitly addressed.

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

Bangladesh	<p>Intellectual property rights are addressed in a number of key policy frameworks. The National Strategy for Accelerated Poverty Reduction II (2009-11) includes improving the IP environment as a key target, with the policy agenda including strengthening of the Department of Patent, Design and Trademarks and the Copyright Office, as well as the internal capacity to develop and modernise the national IP system.</p> <p>The National Science and Technology Policy (2010) includes a dedicated chapter on IP which acknowledges the need to take into account IPR in all aspects of technological R&D and develop relevant administrative and technical capacity. The policy also highlights the importance of encouraging technological innovation and patenting of new products and findings, and protecting the nation's traditional knowledge and bio-diversity.</p> <p>Interestingly, the National Industrial Policy from 2010 recognised for the first time the importance of IPR in industrial development and building technical capacity.¹⁹</p>
Burundi	<p>Intellectual property regulations and policies appear to be relatively undeveloped in Burundi and it has yet to develop a national intellectual property policy.²⁰ However, a national IP plan is currently under discussion and formulation.²¹ In the EIF DTIS (2003) and its update (2012), IP is mentioned briefly in relation to AGOA negotiations.</p>
Cambodia	<p>The Cambodian government has created the National Committee for Intellectual Property Management to develop Cambodia's IPR Policy and a number of IPR related laws and interagency coordination mechanisms have been introduced.</p> <p>The national committee for IPR is made up of representatives of ministries and government entities responsible for the enforcement of IPRs. Further responsibilities include the development of a national IP policy, strengthening cooperation and providing technical assistance related to intellectual property.²²</p> <p>Cambodia's Trade Integration Strategy (2007) identified the importance of IPRs and efforts are under way to ensure international obligations are met.²³ Cambodia is preparing to develop its first ever multi-year plan for Science and Technology to coincide with a drive for innovation.²⁴</p>
Lesotho	<p>Lesotho's PRSP/NDP mentions intellectual property in relation to the strategic objectives and actions required in the area of trade, specifically calling for: i) the placing of information on trademarks and other intellectual property rights in the public domain; ii) a review of IPR legislation to protect innovation for SMEs; and iii) in the development of an IPR database to develop robust dissemination mechanisms.²⁵</p>

¹⁹ WTO Trade Policy Review, Bangladesh, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Bangladesh, 2010

²⁰ WTO, EAC TPR 2012, Annex: Burundi

²¹ UN system support for Africa, WIPO report for May 2011 to April 2012, Office of the UN Special Adviser on Africa

²² WTO Trade Policy Review, Cambodia, 2011

²³ Cambodia's Ministry of Commerce and UNDP Cambodia, *Cambodia's 2007 Trade Integration Strategy; Executive summary and action matrix*, 2007

²⁴ SciDev Net, 2011

²⁵ IMF, Kingdom of Lesotho: Poverty Reduction Strategy Paper/National Strategic Development Plan, 2012

Madagascar	Little information was found on the national IP policy and strategy for Madagascar in the research conducted for this study. Madagascar has a National Cultural Policy for Socio-economic Development. However there are a number of cultural properties that are excluded, undermining creativity at a detriment to competitiveness and performance of some of the country's economic agents, notably craftsmen and artists. ²⁶
Malawi	<p>Protection of IP is addressed in Malawi's Growth and Development Strategy (MGDS) (2011-2016) in regards to trade and improved R&D capacity. The strategy calls for the development of IP guidelines as an action to improve the adoption of beneficial technologies.²⁷</p> <p>Malawi has also been developing a National IP Policy, which was awaiting Cabinet approval as at April 2012. The aim of this policy is to stimulate the generation, protection, and commercialisation of IPR as an economic stimulant for wealth creation, encourage institutions to adopt their own IP policies, and integrate the IP system in government development strategies.²⁸</p> <p>Research, science and technology are addressed as a separate sub-theme under the MGDS 2006-2011. The goal is "to attain sustainable socio-economic development through the development and application of science and technology in order to improve industrial productivity and quality of goods and services".²⁹</p>
Mali	National IP plans and an IP policy are currently under discussion and formulation in Mali. ³⁰
Mozambique	<p>The Intellectual Property Strategy (2008-18) provides the framework for strengthening IP protection. The strategy outlines goals for improving the legal and institutional frameworks, increasing capacity and linkages systematically across the IP system, promoting safeguards for local innovators and raising overall awareness of the importance of IP for all sectors of the economy.³¹ Further goals include the creation of mechanisms for protecting and rewarding innovators, creators, artists, and safeguarding their creations. Mozambique also aims to create a mechanism for linking consultation, coordination, and communication between the institutions with the various players in the IP system.³²</p> <p>The Mozambique Science, Technology and Innovation Strategy (MOSTIS) 2006-2016 is available and addresses IP in a short section where it is stated that "it is important to consolidate the legal and regulatory framework in the area of IPR, as well as to establish the technical skills and capacity to address issues related to IPR protection."³³</p>
Nepal	There is brief mention of IPR in Nepal's PRSP (2007) in relation to the redrafting of IPR law. During the WTO TPR for Nepal (2012), the Government of Nepal reported on some initiatives for framing a separate intellectual property policy in the future. ³⁴
Rwanda	<p>The 2010 Intellectual Property Policy provides a policy framework and implementation plan for institutional development, national legislative review and strategies for participating in international IP negotiations and organisations. The mission of the Policy is "to ensure that national IP laws, institutional practices and strategies in public research institutions and industry are developed and implemented in a manner that contributes to building Rwanda's technological base and cultural industries and that advancement in science and technology benefits society."³⁵</p> <p>Rwanda's PRSP (2006) does not provide an in-depth analysis of IP but the progress report in 2009 states that IPR implementation is progressing well.³⁶</p> <p>According to Rwanda's Science, Technology and Innovation Policy (2006) an effective IP management framework will be established in R&D institutions and firms to create the capacity to support local researchers in protecting their IPR.³⁷</p>

²⁶ WTO TRIPS Council, Priority Needs for Technical and Financial Cooperation: Communication from Madagascar, 2013

²⁷ Government of Malawi, Poverty Reduction Strategy Paper, 2012

²⁸ Country experiences in implementation of IPRs, Malawi Ministry of Industry and Trade, 2011

²⁹ Government of Malawi, MGDS 2006-2011

³⁰ UN system support for Africa, WIPO report for May 2011 to April 2012, Office of the UN Special Adviser on Africa

³¹ Republic of Mozambique, Council of Ministers, Intellectual Property Strategy 2008 – 2018, 2007

³² Ibid.

³³ Republic of Mozambique, Science, Technology and Innovation Strategy (MOSTIS) 2006-2016

³⁴ WTO, TPR Nepal, 2012

³⁵ Rwanda Ministry of Trade and Industry, Intellectual Property Policy, 2009

³⁶ IMF, Rwanda PRPS Progress Report, 2011

³⁷ Government of Rwanda, Science, Technology and Innovation Policy, 2006

Samoa	Samoa is currently developing a national intellectual property strategy. ³⁸
Senegal	The National Intellectual Property Development Plan (PNDPI) aims to create a framework to protect and promote Senegal's IP system so that it can be used effectively in implementing the country's economic, social and cultural development policy. It will also monitor the setting up and strengthening of the bodies responsible for the promotion of intellectual creations. The five-year plan (2011-2015) seeks to provide comprehensive capacity development of the nation's legal, regulatory and administrative institutional infrastructure. ³⁹
Sierra Leone	There is presently no national IP policy and strategy in Sierra Leone, but a national IP development plan is currently under formulation with assistance from WIPO. ⁴⁰ The Science and Technology Council has produced a National Science and Technology Policy but it is in the early stages of implementation. The policy does not address the need for a comprehensive IP system directly, but recommends the development of a Patent Information Service to support innovation and technology transfer. ⁴¹
Tanzania	<p>Tanzania's 2011 PRSP mentions IP issues in the context of promoting technological innovation and research through IP management. Mainland Tanzanian officials are working on a National IP Policy and consolidated legal framework, incorporating relevant TRIPS flexibilities. This appears to cover only mainland Tanzania, as Zanzibar is responsible for its own domestic policy and laws.⁴² A Tanzanian National IP strategy is under formulation with WIPO support.</p> <p>Issues relating to R&D and access to technologies have been clearly addressed. Tanzania's PRSP 2011 mentions IP in the following references: i) coordinated industrial researches carried out by the R&D institutions, universities and technical institutions will have to focus on availing technological solutions to local manufacturers and promoting new innovations through IPR management; ii) promoting technological innovation programs (incubators and clusters) and instituting IPR regimes in order to propel creativity; and iii) strengthen IPR associated with indigenous and traditional knowledge.⁴³</p>
Uganda	<p>The National Development Plan (2011-2015) highlights the importance of IPR in encouraging innovation in science and technology and urges support to cooperatives in accessing and acquiring IPR.⁴⁴ IP protection and promotion of innovation is also one of the 13 thematic areas of intervention identified by the National Trade Sector Development Plans (2008/9 – 2012/3) and the national STIP identified acquisition of IPR by local innovators as a key strategic goal.⁴⁵</p> <p>There are several policies that address IP under different sectors, namely National Trade Policy (2007), National Industrial Policy (2007), National Science, Technology and Innovation Policy (2009), National Policy on Culture and National Health Policy.</p>
Vanuatu	Research undertaken for this study found no national IP strategy and no mention of IP in the national development plan.
Zambia	<p>In 2010, the Government of Zambia launched the National Intellectual Property Policy and the implementation plan for putting the policy into action.⁴⁶ The National Development Plan (2011-15) mentions the importance of IPR in regards to promoting and protecting national cinema, music and culture and science and innovation and refers to the National IP Policy.⁴⁷</p> <p>One of the measures in Zambia's Science and Technology Policy (1996) is to ensure that IPR</p>

³⁸ Non-official source – Australian National University SSGM Discussion Paper 2012/13

³⁹ WTO Trade Policy Review, Senegal, 2009 & Priority Needs for Technical and Financial Cooperation, Communication from Senegal, 2011

⁴⁰ UN system support for Africa, WIPO report for May 2011 to April 2012, Office of the UN Special Adviser on Africa

⁴¹ Priority Needs for Technical and Financial Cooperation, Communication from Sierra Leone, 2007

⁴² WTO EAC Trade Policy Review - Tanzania, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Tanzania, 2010

⁴³ IMF, Tanzania PRSP, 2011

⁴⁴ National Planning Authority, Uganda National Development Plan, 2010

⁴⁵ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

⁴⁶ Highlights of the Policy Framework for Investment in Zambia, <http://www.oecd.org/daf/inv/investmentfordevelopment/47662751.pdf>

⁴⁷ Zambia National Development Plan 2011-2015, Sustained economic growth and poverty reduction, Republic of Zambia, 2011

	and legal frameworks are adequate to promote R&D and commercialisation in new technologies. ⁴⁸ Science, technology and innovation are a key support sector in the National Development Plan where the goal is to establish an effective and efficient National Science, Technology and Innovation System for increased productivity and competitiveness by the end of 2015. According to WTO Zambia TPR 2009, the Ministry of Science, Technology and Vocational Training is revising its science and technology policy to include issues related to traditional knowledge. ⁴⁹
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Legal framework

To formulate and implement international agreements on IP, such as the TRIPS Agreement, the preparation and implementation of a range of laws and regulations covering industrial property, copyright and related rights is of fundamental importance. A range of options are open to LDC members for the specific legislative approach to implementation and the optimum course of action will need to be determined in consultation with interested parties.

As with IP policy development, this requires specialised technical skills, financial resources, as well as the ability to coordinate the legislative development process so as to ensure the participation of key stakeholders both within and outside of government. As in all countries, the process of legislative reform in LDC members – from initiation through to completing all the stages in the national parliament or legislative assembly – can sometimes take a considerable period of elapsed time to complete.

Membership of international treaties is potentially a major driver beyond TRIPS of legislative reform at the national level. Annex D provides information on the 34 LDC WTO member countries and those (WIPO-administered) major international IP treaties they are party to.⁵⁰ Overall, the WTO LDC members are party to a large number of international IP legal protection systems. All 34 LDCs are party to the WIPO Convention, and only 4 LDC members (Myanmar, Samoa, Vanuatu and Solomon Islands) have not signed the Paris Convention. 26 LDC members have joined the Berne Convention. Amongst the 34 LDC members of WTO, Burkina Faso, Guinea and Togo are party to most of the international IP treaties administered by WIPO, whilst only Myanmar and the Solomon Islands are party to one treaty. The Geneva Act of Hague has the lowest number of signatories from LDC WTO members, Rwanda being the only country party to the agreement. The Trademark Law Treaty and Strasbourg Agreement have two signatories respectively from amongst the 34 LDC WTO members.

Annex E of this report signposts existing IP legislation in LDC members, as detailed in the *WIPO Lex* online database. Considering the legislation enacted across the LDC members in relation to the major areas of IP such as patents, trademarks, industrial designs, copyright and related rights, there are a number of general trends that can be highlighted based on notifications to the *WIPO Lex* database. Notably, according to *WIPO Lex*, 11 LDC members⁵¹ have passed legislation covering the major areas of IP within the last 5 years, the predominant laws being Trademarks Acts, Copyright Acts and Industrial Property Acts. As an example, in Samoa significant work has been undertaken and the enactment of the Intellectual Property Act 2011 and the Copyright Amendment Act 2011 have introduced a comprehensive overhaul of the legislative framework for the protection and administration of IPR in the country.

⁴⁸ Zambia's Science and Technology Policy 1996

⁴⁹ WTO, TPR Zambia 2009

⁵⁰ The list of treaties covered in this report is not exhaustive however.

⁵¹ Bangladesh, Djibouti, Gambia, Lao PDR, Mali, Rwanda, Samoa, Senegal, Tanzania, Uganda and Zambia

Conversely, according to *WIPO Lex*, 10 of the 34 LDC members do not appear to have passed or reported new IP legislation to *WIPO Lex* since 2000.⁵² A further 5 LDC member countries⁵³ do not yet appear to have reported any legislation covering the major areas of IP to *WIPO Lex*. Within regional groupings (eg ARIPO, OAPI etc), presence of copyright and industrial property legislation features most prominently across members, with some co-ordination in the timing in introduction of new legislation.

It is interesting to establish whether and what legislation is under development in order to gain a more comprehensive picture of the extent to which the legal framework is changing. A number of LDC members appear to have new legislation in the pipeline but research for this study has found that in other cases further updating of some specific areas of the IP legal framework is currently under consideration. Broadly speaking, these latter cases often include the protection of traditional knowledge and genetic resources, trade secrets, integrated circuit topographies, geographical indications, plant varieties and preventing import and export of counterfeit goods.

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

Bangladesh	<p>Although much of the IP legislation dates back over fifty years, a variety of new legislation has been introduced marking significant progress in modernising national legislation. The Copyright Act (2005), Trademarks Act (2009) and The Patents and Designs Act (2003) have been enacted, and the Utility Model Law, Geographical Indications Act, Patents Act and Industrial Designs Act were in draft form as at January 2012. The Trademarks Act introduced the first legislation to protect service-marks, an important step given the services sector is growing rapidly and accounts for about half of gross domestic product (GDP).</p> <p>The joint EU-WIPO Programme on IP (2008-11) supported these efforts in the modernisation of the national IP legislative system, as well as in raising awareness about the importance of IP protection among the public and private sectors.⁵⁴</p> <p>Bangladesh is party to the Paris Convention and the Berne Convention.</p>
Burundi	<p>According to <i>WIPO Lex</i>, the only major IP legislation in Burundi is the 1964 Law on Patents. According to the recent WTO TPT (2012), however, Burundi passed a law on industrial property (No. 1/13) in 2009 which governs the use of compulsory licences, traditional knowledge and handicraft items, as well as unfair competition.⁵⁵ New copyright legislation and is also currently being developed. This is supported by associations of performers and composers, as well as by music producers who see the law as a means of stimulating Burundi's music sector.⁵⁶</p> <p>Burundi is party to the Paris Convention and is an observer at the African Intellectual Property Organisation (ARIPO).</p>
Cambodia	<p>Cambodia has made considerable progress in the development of a legal framework for protection of IP over the last decade.</p> <p>In 2003, several key laws came into force, including the Law on Patents and Industrial Designs, Law on Trade Marks, Trade Names and Acts Unfair Competition and the Law on Copyrights and Related Rights. As at late 2011, the draft law on geographical indications was due for submission to the Council of Ministers and a further draft on layout design of integrated circuits was under discussion at the ministerial level.⁵⁷</p> <p>Cambodia is party to the Paris Convention.</p>
Lesotho	<p>Lesotho has not reported any major IP legislation passed since 2000 to <i>WIPO Lex</i>. The most recent IP legislation enacted was the Industrial Property Order and the Copyright Order, both</p>

⁵² Angola, Burkina Faso, Burundi, Democratic Republic of Congo, Haiti, Lesotho, Madagascar, Myanmar, Solomon Islands, Togo

⁵³ Central African Republic, Guinea, Guinea Bissau, Mauritania, Niger

⁵⁴ WTO Trade Policy Review, Bangladesh, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Bangladesh, 2010

⁵⁵ WTO, EAC TPR Report by EAC Country Members, 2012

⁵⁶ WTO, EAC TPR 2012, Annex: Burundi

⁵⁷ WTO Cambodia Trade Policy Review, 2011

	<p>in 1989. Patents are rarely issued in Lesotho but trademark protection is often sought and is granted.⁵⁸</p> <p>Lesotho is party to the Paris, Rome and Berne Conventions as well as the Madrid Agreement (Marks).</p>
Madagascar	<p>A law on Protection of Literary and Artistic Property was passed in 1994, however, no major IP legislation has been reported to <i>WIPO Lex</i> since 2000. The EIF DTIS (2003) mentions the priority placed on implementation of WTO agreements with specific reference to intellectual property.</p> <p>Madagascar is party to the Paris and Berne Conventions.</p>
Malawi	<p>Most of Malawi's current IP-related legal framework was created in the 1980s (e.g. Copyright Act (1989), Trademark Regulations (1981)) and revised in the early 2000s, though new copyright licensing regulations were introduced in 2008.⁵⁹ Work on the overarching national IP strategy will also likely guide the evolving legal framework going forward.⁶⁰</p> <p>Malawi is party to the Paris Convention, Nice Agreement, Strasbourg Agreement, and Berne Convention.</p>
Mali	<p>Mali's copyright legislation was amended in 2008, with a new law providing for protection of literary and artistic property. The law on industrial property dates from 1987.</p> <p>Mali is party to the Paris and Berne Convention, WIPO Copyright Treaty, and WIPO Performances and Phonograms Treaty.</p>
Mozambique	<p>A number of new IP-related laws and ministerial decrees were created or revised over the last decade. These include ministerial decrees on granting the right to use the 'made in Mozambique' brand, a decree on industrial property and a new Commercial Code.⁶¹ In the EIF DTIS (2004) there is a recognition that Mozambique needs to amend laws to comply with WTO IPR requirements especially with regards to smuggling counterfeit goods.⁶² According to <i>WIPO Lex</i>, since 2000, two main pieces of IP legislation have been passed; Industrial Property Code of 2006, and the Copyright Law of 2001.</p> <p>Mozambique is party to the Paris Convention, Nice Agreement, and Madrid Agreement (Marks).</p>
Nepal	<p>Recent legislation in Nepal includes the Patent, Design and Trademark Act, 2006 and the Copyright Act of 2002.⁶³ Current legislation does not cover layout designs, geographical indications, plant varieties or undisclosed text or other data.⁶⁴</p> <p>The Ministry of Industry is preparing comprehensive industrial property protection legislation, which will cover all categories of industrial property rights and preparation is at its final stage. To facilitate the implementation of IPR legislation, the Government has established the Trademark Information Centre, Industrial Design Information Centre, and Industrial Patent Information Centre.⁶⁵</p> <p>Nepal is party to the Paris and Berne Conventions.</p>
Rwanda	<p>The Law on the Protection of Intellectual Property (2009) provides comprehensive protection to all classes of IP (trademarks, collective marks, copyrights, inventions, industrial design, geographical indications and layout designs of integrate circuits). The law also provides for the protection of plants, genetic resources and traditional knowledge to be provided by a forthcoming special law.⁶⁶</p>

⁵⁸ Lesotho, *Diagnostic Trade Integration Study, Integrated Framework: Volume 1, Integration into the World Trading Environment*, 2003

⁵⁹ WIPO Lex - Malawi, 2011

⁶⁰ Malawi Ministry of Industry and Trade, 2011

⁶¹ WIPO Lex - Mozambique, 2011

⁶² USAID, *Removing Obstacles to Economic Growth in Mozambique: DTIS, Volume 2, Main Report*, 2004

⁶³ WIPO Lex, Main IP Laws, Nepal: <http://www.wipo.int/wipolex/en/>

⁶⁴ WTO, TPR Nepal, 2012

⁶⁵ Ibid.

⁶⁶ WTO EAC Trade Policy Review - Rwanda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Rwanda, 2010

	<p>Rwanda's EIF DTIS (2005) identifies the ICT sector as vital for prosperity and growth requiring sound intellectual property protection legislation, based on Rwanda's current ability in software creation and service provision.⁶⁷</p> <p>Rwanda is party to the Paris and Berne Conventions, and the Geneva Act of Hague.</p>
Samoa	<p>Following a comprehensive legislative review, the Intellectual Property Act (2009) and Copyright Amendment Act (2009) replaced antiquated legislation from the 1970s. The IP Act provides for a new regime for patents, utility models, designs, trademarks, geographical indications, plant breeder's rights, circuit layouts, as well as for enforcement and administration. The Copyright Amendment Act modernised the 1998 Act, including new provisions on traditional cultural expressions, as well as more explicit mechanisms for copyright enforcement.⁶⁸</p> <p>Samoa is party to the Berne Convention.</p>
Senegal	<p>Senegal has added to or adapted a number of IP related laws over the last five years, including the Law on Cybercrime, Guidance Law on Information Society, and the Law on Copyright and Related Rights, 2008. Senegal has also adopted the revised Bangui Agreement of OAPI.⁶⁹</p> <p>Senegal is party to the Paris and Berne Conventions, WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty.</p>
Sierra Leone	<p>Sierra Leone has updated several important IP laws recently, including the adoption of the Copyright Act (2011) and Trade Marks and Merchandise Marks Act (in final review). As at 2012, there was no provision in the national law for the registration of new patents; rather patent applications had to be filed in the UK. In addition, the Sierra Leone Broadcasting Act of 2009 was implemented in 2010.⁷⁰</p> <p>Sierra Leone is party to the Paris Convention and Madrid Agreement (Marks).</p>
Tanzania	<p>Although the United Republic of Tanzania is responsible for international treaties, mainland Tanzania and Zanzibar have separate IP legislation.</p> <p>In mainland Tanzania, a number of the core IP laws were revised in 2002 (e.g. the Trade and Services Marks Act, the Patent Registration Act and the Copyright and Neighbouring Rights Act) and officials have indicated they are preparing a law to consolidate all relevant IP legislation. In 2002, Tanzania also passed legislation concerning traditional and alternative medicine, as well as the protection of new plant varieties, highlighting the considerable importance placed on these issues.⁷¹</p> <p>In Zanzibar, the Industrial Property Act of 2008 consolidated all IP legislation into a single statute covering trade and services marks, patents, geographical indications, industrial designs, layout design of integrated circuits and utility models. The Copyright Act of 2003 covers copyright protection.⁷²</p> <p>Tanzania is party to the Paris and Berne Conventions and the Nice Agreement.</p>
Uganda	<p>Uganda has passed a number of IP-related laws over the last decade, including the Trademarks Act (2010), Trade Secrets Promotion Act (2009) and the Copyright and Neighbouring Act (2006). These laws as well as the Patents Act (1993) are administered by the Ugandan Registration Services Bureau.⁷³ As of late 2012, the Industrial Properties Bill was still before Parliament. The Bill provides for the granting and regulation of patents, industrial designs, utility models, and "technovations", and for the designation of a registrar. A Geographical Indications Bill is also before Parliament.⁷⁴</p>

⁶⁷ Diagnostic Trade Integration Study, Rwanda, 2005

⁶⁸ WTO Working Party on the Accession of Samoa, 2011

⁶⁹ WIPO Lex - Senegal, 2011

⁷⁰ WIPO Lex, Sierra Leone, Main IP Laws: <http://www.wipo.int/wipolex/en/>

⁷¹ WIPO Lex Tanzania, Main IP Laws, 2013: <http://www.wipo.int/wipolex/en/>

⁷² WTO EAC Trade Policy Review - Tanzania, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Tanzania, 2010

⁷³ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

⁷⁴ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

	Uganda is party to the Paris Convention and the Nairobi Treaty.
Vanuatu	<p>Over the last decade, Vanuatu has passed or drafted several new laws to improve its IP protection regime. Prior to 2000, legislation protected only patents and trademarks, with no protection afforded for copyrights, layout-designs of integrated circuits, geographical indications, industrial designs or trade secrets.</p> <p>Vanuatu has now passed comprehensive legislation⁷⁵, including the Designs, Patents and Trademarks Acts of 2003. Much of Vanuatu's legislation was based on UK law, such as the UK Patents Act and UK Trade Marks Act.⁷⁶</p> <p>Vanuatu is party to the Berne Convention.</p>
Zambia	<p>As of 2009, the Government of Zambia planned to amend its IP legislation in line with the launch of the new National IP policy. The modernisation of the legislation was planned to include patents, trademarks and copyright, as well as including protection of service marks.⁷⁷ The Copyright and Performance Rights (Amendment) Act was introduced in 2010⁷⁸, as well as the Plant Breeder's Rights Act in 2007.</p> <p>Zambia is party to the Paris and Berne Conventions.⁷⁹</p>

IP administration

Considerable specialist human resources and information management systems (ideally automated) are needed to establish and effectively operate institutions charged with the administration of national IP systems for industrial property and copyright and related rights. As shown in Annex B, many LDC members have distinctly defined industrial property offices and copyright offices, with mandates divided between them for the administration of the national intellectual property system, including the registration, examination and granting of rights. These offices often appear to be located within, or supervised by, ministries dealing with industry and culture respectively. Ministries of justice are at times also involved in the administration of IP.

For LDC members where information is available, IP administration systems generally appear to be paper-based rather than fully automated. Plans exist in some LDC members (eg Tanzania, Bangladesh) to automate and modernise the IP registries and administration system, but this is an area where considerable gains can be made and investment will be required. IP offices in some LDC members (eg Rwanda, Uganda, Malawi and Sierra Leone) appear to be undergoing significant institutional reform, often intended to establish a more autonomous status for the national IP office in terms of financial management, recruitment, capital investment and retention of revenues from various forms of IPR administration fees charged by the office to rights holders. Malawi provides a good example of this aspect of national IP infrastructure modernisation, and the catalytic link between the development of a national IP policy and downstream reforms to other components of the national IP system.

Currently, IP administration in Malawi is divided across various departments among several different government ministries. The Registrar General (Ministry of Justice) handles patents, trademarks and industrial designs. The Copyright Society of Malawi (Ministry of Culture) has responsibility for copyrights, and the Ministry of Trade and Industry handles trade-related aspects of IPR. The new national IP Policy aims to consolidate all IPR issues under a new Malawi Intellectual Property Office (MIPO). MIPO would be a self-sustainable parastatal organisation, financed through registration fees.

Annex D provides information on the 34 LDC WTO member countries and those (WIPO-administered) major international treaties related to IP administration they are party to.⁸⁰ Of

⁷⁵ Vanuatu, DTIS Volume 1, 2007

⁷⁶ WTO Working Party on the Accession of Vanuatu, 2011

⁷⁷ WTO Zambia Trade Policy Review, 2009

⁷⁸ WIPO Lex, Main IP Laws, Zambia: <http://www.wipo.int/wipolex/en/>

⁷⁹ All data on LDC member countries membership of WIPO Treaties available from WIPO: <http://www.wipo.int/treaties/en/>

the 34 LDC members, 23 are party to the Patent Cooperation Treaty.⁸¹ The Madrid Protocol and the Hague Agreement have 5 LDC member signatories each. Within the LDC member group, only Benin, Guinea, Mali, and Rwanda are party to more than one global IP administration protection system.⁸² Bangladesh, Burundi, Cambodia, Democratic Republic of Congo, Djibouti, Haiti, Myanmar, Nepal, Samoa, Solomon Islands and Vanuatu have not signed any of the WIPO-administered global treaties related to IP administration.

Membership of regional IP systems is also a significant feature of the IP administration systems in a large number of WTO LDC members. ARIPO-members can opt-in or opt-out of the organisation's regionalised industrialised property registration systems. OAPI-members in West Africa on the other hand have a fully centralised system for administering intellectual property rights. Regional IP systems relevant to LDC WTO members are discussed in more detail in Section 3.2 below.

Annex C of this report provides full details of the intellectual property administration statistical information available for LDC WTO members from the WIPO IP Statistics Data Centre. There are a number of important trends between 2008 and 2011 to be noted within IP administration in LDCs based on the WIPO Statistics Database for the areas of patents, trademarks and industrial designs.

First, there are generally very low levels of reporting of industrial property applications and grants by LDC WTO members over the period. In fact, the majority of LDC WTO members have not reported any data to WIPO on industrial property applications or grants at all over the period. Between 2008 and 2011, only Bangladesh and Madagascar reported data to WIPO on applications and grants across patents, trademarks and industrial designs for each year. Burkina Faso reported data to WIPO on applications only, not on grants.

Patent applications/grants data were only reported to WIPO by 3 LDC members with relatively consistent numbers of applications and grants being made (except Burkina Faso which made 2 patent grants in 2010). In Bangladesh, only 36% of patents applied for were granted and of these 472 grants, only 15% were from residents. Granted patents in Madagascar were slightly higher at 51% of applications but the proportion of patent grants to residents and non-residents was similar to Bangladesh.

In terms of trademarks, 8 LDC members reported data to WIPO, all of which reported a considerable number of applications. Of these, 6 LDCs submitted information on trademark registrations and only in Bangladesh does there appear to be a considerable difference between numbers of trademarks applied for and registered – only 6.5% of applications reported as registered. For each LDC member that reported data to WIPO on trademark registrations, more registrations of trademarks were granted for non-residents than for residents.

For industrial designs, 8 LDC members reported data to WIPO on applications and 7 LDC members reported data on registrations. Only Bangladesh experienced a significant difference between numbers of industrial design applications and registrations. For both industrial design applications and registrations, only 2 LDC members had a greater proportion of resident applications and registrations than non-resident, and in both countries, the difference was significant.

⁸⁰ The list of treaties covered in this report is not exhaustive however.

⁸¹ LDC members except Bangladesh, Burundi, Cambodia, Democratic Republic of Congo, Djibouti, Haiti, Myanmar, Nepal, Samoa, Solomon Islands and Vanuatu.

⁸² Benin (Hague Agreement, Singapore Treaty); Guinea (Vienna Agreement, Singapore Treaty); Mali (Singapore Treaty, Hague Agreement); Rwanda (Hague Agreement, Brussels Convention)

Table 5. Case studies on IP administration in LDC members

Bangladesh	<p>The Department of Patents, Designs and Trademarks (DPDT) and the Copyright Office under the Ministry of Cultural Affairs are the two main IP administrative bodies. In 2010, there were approx. 10,000 trademark applications (73% resident), 900 industrial design applications (95% resident), and 350 patent applications (15% resident). The resident share of IPR applications in Bangladesh (and of patents granted) is quite high compared to other LDCs.</p> <p>Despite these figures, Bangladesh recognises the need to make a continued investment to develop its national IP institutional and administrative infrastructure. To this end, the government recently announced the approval of a USD 3 million project to strengthen the Copyright Office. Further, in its identification of priority needs for technical and financial cooperation, Bangladesh identified a number of areas of support, including for automation of IP offices, establishing an IP Institute in the private sector and integrating all IP offices under one body.⁸³</p> <p>On the modernisation of the IP system, work is thus ongoing to attain an operationally fully automated system including an attractive website facilitating online application and e-payment. This automated system will generate databases of patents, industrial designs and trademarks.⁸⁴</p> <p>Bangladesh has not joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Bangladesh is not a member of a regional IP administration system.</p>
Burundi	<p>The ministries responsible for IP are those of Culture, Youth and Sports (copyright & related rights) and of Trade and Industry (Industrial Property). In January 2002, an Industrial Property and Documentation Directorate was set up to deal with all matters relating to industrial property.⁸⁵</p> <p>Burundi did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Burundi has not joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Burundi is not a member of a regional IP administration system.</p>
Cambodia	<p>The responsibility for administering IPRs within Cambodia is placed on various ministries, agencies and institutions, although the National Committee for IP Management (under the Ministry of Commerce) is leading the coordination among the various bodies.</p> <p>The IP Department of the Ministry of Commerce is responsible for the formulation and implementation of policy on trademarks, coordinating and drafting IP laws and regulations, and the focal point for international cooperation. The Ministry of Industry, Mines and Energy is in charge of patents, utility models and industrial design and the Ministry of Culture and Fine Arts for copyrights and related rights.⁸⁶</p> <p>The Cambodian Chamber of Commerce has an IPR department which is in charge of a number of issues related to IP including trademarks, service marks, logos, and Acts of Unfair Competition. Within the intellectual property administration system there is a Technology and Innovation support centre where patent information websites can be accessed. Also available on the Chamber of Commerce website are statistics on trademark registrations.⁸⁷</p> <p>Cambodia did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Cambodia has not joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Cambodia is not a member of a regional IP administration system.</p>
Lesotho	<p>The Registrar General's office in the Ministry of Law and Constitutional Affairs is the focal point for all IP issues. The government has established an inter-ministerial committee to review IP issues and national implementation of the TRIPS Agreement. It comprises</p>

⁸³ WTO Trade Policy Review, Bangladesh, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Bangladesh, 2010

⁸⁴ Ibid.

⁸⁵ WTO Trade Policy Review, EAC, 2012, Annex: Burundi

⁸⁶ WTO Cambodia Trade Policy Review, 2011

⁸⁷ Cambodian Chamber of Commerce Website: <http://www.moc.gov.kh/Graphs/StatisticGraphs.aspx?MenuID=48#2>

	<p>representatives of the Ministry of Law and Constitutional Affairs, Ministry of Agriculture and Food Security, Ministry of Science and Technology and the Lesotho Association of Inventors.⁸⁸</p> <p>Lesotho submitted information to WIPO on applications and registrations of trademarks only for the period 2008-2011, providing no information on the numbers of patents or design applications and registrations made. Of the 2,742 trademark applications submitted over the period, all were granted. All trademark applications were made by non-residents. The annual volume of trademark applications fell markedly in 2009 to 634 and volumes stayed around that level though 2011.⁸⁹</p> <p>Lesotho is party to the Patent Cooperation Treaty and the Madrid Protocol. Lesotho is a member of ARIPO and party to the Harare Protocol on Patents & Industrial Designs and the Banjul Protocol on Trademarks.</p>
Madagascar	<p>Madagascar has 2 bodies responsible for administration of IP: the Malagasy Industrial Property Office (OMAPI) in the case of industrial property and Malagasy Copyright Office (OMDA) in the case of artistic and literary works. OMAPI's human resources have been strengthened, domestic legislation has been overhauled in light of the TRIPS Agreement, the archives reorganised, and procedures for issuing IP titles have been computerised.⁹⁰</p> <p>Madagascar is one of only two LDC WTO members that has submitted data on numbers of applications and registrations of patents, trademarks and industrial designs to WIPO for the period 2008-2011.⁹¹ Over the four year period, the annual volume of trademark applications grew steadily, whilst annual volumes for patent applications fell and industrial design applications were roughly constant:</p> <ul style="list-style-type: none"> • Madagascar received a total of 225 patent applications, 198 of which were from non-residents and 27 from residents. A total of 126 patent grants were made over the period, 103 of which were to non-residents and 13 to residents. • Madagascar received a total of 6,564 trademark applications, of which 4,648 were from non-residents and 2,169 were from residents. A total of 6,296 trademark registrations were made, of which 4,064 were to non-residents and 2,232 were to residents. • Madagascar received a total of 1,231 industrial design applications, of which 1,216 were from residents and 15 were from non-residents. A total of 1,312 industrial design registrations were made, of which 1,285 were to residents and 27 were to non-residents. <p>Madagascar is party to the Patent Cooperation Treaty and the Madrid Protocol. Madagascar is not a member of a regional IP administration system.</p>
Malawi	<p>Currently, IP administration is divided across various departments among several different government ministries. The Registrar General (Ministry of Justice) handles patents, trademarks and industrial designs. The Copyright Society of Malawi (Ministry of Tourism, Wildlife and Culture)) has responsibility for copyrights, and the Ministry of Trade and Industry handles trade-related aspects of IPR. The new national IP Policy aims to consolidate all IPR issues under a new Malawi Intellectual Property Office (MIPO). MIPO would be a self-sustainable parastatal organisation, financed through registration fees.⁹²</p> <p>Malawi did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Malawi is party to the Patent Cooperation Treaty and the Locarno Agreement. Malawi is a member of ARIPO and party to the Harare Protocol on Patents & Industrial Designs and the Banjul Protocol on Trademarks.</p>
Mali	<p>The responsibility for copyrights and related rights is given to the Malian Copyright Bureau (BUMDA). BUMDA is also responsible for training in copyright protection and running IP awareness campaigns. The number of copyright applications received in recent years has increased.</p> <p>The Malian Centre for the Promotion of Industrial Property (CEMAPI) is responsible for preparing industrial property related technical studies, applying rules and administrative</p>

⁸⁸ WTO South African Customs Union TPR, Annex 2: Kingdom of Lesotho WT/TPR/S/222/LSO/Rev.1

⁸⁹ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

⁹⁰ WTO TRIPS Council, Priority Needs for Technical and Financial Cooperation: Communication from Madagascar, 2013

⁹¹ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

⁹² Malawi Ministry of Industry and Trade, 2011

	<p>directives and establishing cooperation with national and regional institutions specialising in industrial property.⁹³</p> <p>Mali reported data only for industrial design applications to WIPO for the period 2008-2011. A total of 52 industrial design applications and registrations were made over the period, and from the breakdown of information provided, all applications were from non-residents.⁹⁴</p> <p>Mali is party to the Patent Cooperation Treaty, the Hague Agreement and the Singapore Treaty. Mali is a member of OAPI.</p>
Mozambique	<p>The National Institute of Books and Recordings (INLD), under the Ministry of Culture, and the Industrial Property Institute (IPI) (under the Ministry of Commerce) are the two main administrative bodies for IP. The IPI administers the industrial property regime, and provides all relevant information for applicants seeking new grants or renewal of patents, and INLD administers the copyright regime.⁹⁵</p> <p>Mozambique provided information only on trademark applications and registrations to WIPO for the period 2008-2011. Virtually all of the trademark applications made were registered and all of the 4019 registrations made over the four year period were to non-residents. The annual volume of trademark applications fell markedly in 2009 to 870 before recovering somewhat in 2011 to 1,032.⁹⁶</p> <p>Mozambique is party to the Patent Cooperation Treaty and the Madrid Protocol. Mozambique is a member of ARIPO and party to the Harare Protocol on Patents & Industrial Designs, but not the Banjul Protocol on Trademarks.</p>
Nepal	<p>The Department of Industry (DOI) under the Ministry of Industry is the implementation and execution agency for IPR legislation. The Nepal Copyright Registrar's Office is housed in the Ministry of Culture, Tourism and Civil Aviation</p> <p>The Ministry of Industry is preparing comprehensive industrial property protection legislation, which will cover all categories of industrial property rights and preparation is at its final stage. To facilitate the implementation of new IPR legislation, the Government has established the Trademark Information Centre, Industrial Design Information Centre, and Industrial Patent Information Centre.⁹⁷</p> <p>Applications to register a trademark must be made to the DOI and the DOI registers the trademark in the name of the applicant and issues a trade mark certificate. Application to protect industrial designs as well as to apply for a patent, are also made through the DOI.⁹⁸</p> <p>Nepal did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Nepal has not joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Nepal is not a member of a regional IP administration system.</p>
Rwanda	<p>Following the unveiling of the National IP Policy, the administration of IP issues has been moved to the Office of the Registrar General in the Rwandan Development Board (RDB) from the Ministry of Trade and Industry and Ministry of Sports and Culture. Rwanda does not intend to set up a patent examination office, but rather to rely on ARIPO's examination capacity.⁹⁹</p> <p>Over the period 2008-2011, Rwanda reported one industrial design application and registration to WIPO. No information was provided on the source of the application. Rwanda did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents or trademarks.¹⁰⁰</p> <p>Rwanda is party to the Patent Cooperation Treaty, the Hague Agreement and Brussels Convention. Rwanda is an ARIPO member and party to the Harare Protocol on Patents &</p>

⁹³ WTO Trade Policy Review, Mali, 2010 & Priority Needs for Technical and Financial Cooperation, Communication from Mali, 2012

⁹⁴ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

⁹⁵ WTO Trade Policy Review, Mozambique, 2009

⁹⁶ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

⁹⁷ WTO Trade Policy Review, Nepal, 2012

⁹⁸ ibid

⁹⁹ WTO EAC Trade Policy Review - Rwanda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Rwanda, 2010

¹⁰⁰ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

	Industrial Designs, but not the Banjul Protocol on Trademarks.
Samoa	<p>The responsibility for formulation and implementation of IP policy lies with the Registries of Companies and the Intellectual Property Registrar, under the Ministry of Commerce, Industry and Labour.¹⁰¹</p> <p>Samoa did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Samoa has not yet joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Samoa is not a member of a regional IP administration system.</p> <p>Samoa has indicated its readiness to participate in regional IP administrative cooperation as soon as Pacific regional mechanisms are established and where appropriate for Samoa's development priorities.¹⁰²</p>
Senegal	<p>Responsibility for IP administration is divided into the Industrial Property Office and National Copyright Office (BSDA). The Industrial Property Office serves as the National Liaison Structure for coordination with OAPI. The office carries out awareness campaigns targeted to SMEs on the importance of IP protection and supports applicants in the registration process. The Copyright Office, under the Ministry of Cultural Affairs, provides legal support and advice to musicians, artists and authors on protecting their copyright.¹⁰³</p> <p>Over the period 2008-2011, Senegal reported data only on industrial design applications and registrations to WIPO. The volume of industrial design applications dropped significantly in 2009 to 18, and remained at the lower level through 2011. All design applications made were registered however no information about the origin of the applications was provided.¹⁰⁴</p> <p>Senegal is party to the Patent Cooperation Treaty and the Hague Agreement. Senegal is a member of OAPI.</p>
Sierra Leone	<p>In Sierra Leone, copyright administration is under the Ministry of Culture & Tourism and industrial property administration is under the Administrator & Registrar General.</p> <p>According to Sierra Leone, the preferred option for the IP administration regime is to be a small, effective national IP office, which would operate as a self-financing, autonomous government agency accountable to Parliament via the Ministry of Trade and Investment (MTI). The MTI has overall responsibility for IP policy reform and modernisation, and the overall policy and legislative development capacity of MTI has been strengthened.¹⁰⁵</p> <p>For the period 2008-2011, Sierra Leone only reported data to WIPO on trademark applications and registrations showing a marked decline in 2009 to 750. All of the 3,165 trademark applications over the four year period were registered, and all the registrations granted were to non-residents.¹⁰⁶</p> <p>Sierra Leone is party to the Patent Cooperation Treaty and the Madrid Protocol. Sierra Leone is an ARIPO member and party to the Harare Protocol on Patents & Industrial Designs, but not the Banjul Protocol on Trademarks.</p>
Tanzania	<p>As with legislation, mainland Tanzania and Zanzibar have separate IP administrative bodies.</p> <p>On the mainland, the Business Registration and Licensing Agency (BRELA) is the main agency responsible for patents and trademarks, while the Copyrights Society of Tanzania (COSOTA) handles copyright protection; the Plant Breeders Registrar handles issues on breeder's rights and the UPOV Convention; and the Tanzanian Seeds Agency administers IPRs for seeds. Mainland officials have indicated that they are in the midst of a rationalisation process of IP administration into a single national office, though as of June 2012 this was still in progress.¹⁰⁷</p>

¹⁰¹ WTO Working Party on the Accession of Samoa, 2011

¹⁰² WTO Working Party on the Accession of Samoa, 2011

¹⁰³ WTO Trade Policy Review, Senegal, 2009 & Priority Needs for Technical and Financial Cooperation, Communication from Senegal, 2011

¹⁰⁴ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

¹⁰⁵ Priority Needs for Technical and Financial Cooperation, Communication from Sierra Leone, 2007

¹⁰⁶ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

¹⁰⁷ WTO Trade Policy Review, EAC - Tanzania, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Tanzania, 2010

	<p>In Zanzibar, the Copyright Society of Zanzibar (COSOZA) and the Registrar General's Office handle copyright and patent protection, respectively.¹⁰⁸</p> <p>Tanzania did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Tanzania is party to the Patent Cooperation Treaty. Tanzania is an ARIPO member and party to the Harare Protocol on Patents & Industrial Designs and the Banjul Protocol on Trademarks.</p>
Uganda	<p>The Ugandan Registration Services Bureau (URSB) is the main administrative agency in the country, covering trademarks, patents, utility models and copyrights. The URSB has benefited from WIPO automation support, and began conducting automated searches in 2011.¹⁰⁹</p> <p>The National Council for Science and Technology is also involved in patent protection and information, and includes a national IP advisory group made up of officials from the public and private sectors.¹¹⁰</p> <p>Uganda did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Uganda is party to the Patent Cooperation Treaty. Uganda is an ARIPO member and party to the Harare Protocol on Patents & Industrial Designs but not the Banjul Protocol on Trademarks.</p>
Vanuatu	<p>Vanuatu has set the deadline for the establishment and recruitment of personnel for a new national IP Office for 1st December 2012. It is not clear at this point whether the Office has yet been established.¹¹¹</p> <p>Vanuatu did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Vanuatu has not joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Vanuatu is not a member of a regional IP administration system.</p>
Zambia	<p>The Patents and Companies Registration Agency (PARCA), a semi-autonomous executive agency of the Ministry of Commerce, is the primary IP administrative body in Zambia.¹¹² The Agency provides patent and trademark registration, while the Copyright Administration (under the Ministry of Information) provides registration of copyrights.¹¹³</p> <p>Over the period 2008-2011, Zambia reported data only on trademarks to WIPO. No data on patents or industrial designs was reported to WIPO. Over the four year period, a total of 3,584 trademark applications were received and registered. Zambia did not report information on the origin of trademark applications. The annual volume of trademark applications fell markedly to 795 in 2009 before recovering somewhat to 866 in 2011.</p> <p>Zambia is party to the Patent Cooperation Treaty and the Madrid Protocol. Zambia is an ARIPO member and party to the Harare Protocol on Patents & Industrial Designs but not the Banjul Protocol on Trademarks.</p>

IP enforcement

Offering right holders a sound basis to enforce their IP titles presents a significant set of challenges for many WTO LDC members. Low levels of awareness, limited use of information technology, inadequate regulatory frameworks and lack of specialised skills within IP offices, customs, police and the judiciary all combine to limit the abilities of LDC members to tackle IP infringements and violations.

¹⁰⁸ WTO Trade Policy Review, EAC - Tanzania, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Tanzania, 2010

¹⁰⁹ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

¹¹⁰ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

¹¹¹ WTO Working Party on the Accession of Vanuatu, 2011

¹¹² Zambia Patents and Companies Registration Agency, 2013

¹¹³ WTO Zambia Trade Policy Review, 2009

Requirements for technical and financial assistance in this field includes addressing low levels of awareness about IP amongst consumers and businesses, and building adequate specialist capacity within enforcement agencies such as police, customs and the judiciary to cope with IP caseloads. There are also capacity building requirements for the effective regulation of IP rights, particularly in relation to matters of special public interest or in relation to controlling anti-competitive practices by rights holders.

LDC members are not currently considered to be principal sources for the large scale production and export of counterfeit or pirated products. However, they are often significant markets for those products, particularly for counterfeit medicines. In the East African region, for instance, this has led to proposals, currently under consideration and the subject of policy discussions, for regional and national measures to deal with counterfeiting.

As can be seen in Table 6, commercial high courts or commercial divisions of high courts are in place in a number of LDCs (e.g. Rwanda, Uganda, Sierra Leone, Mauritania and Tanzania). Special units within police forces and customs administrations have been identified in certain LDCs. Some LDC members report facing problems in involving police and customs forces in supporting the enforcement of IP rights due to their lack of training, limited manpower, and lack of appropriate information technology.

Table 6. Case studies on IP enforcement in LDC members

Bangladesh	<p>The Government of Bangladesh recognises the importance of IPR enforcement in stimulating innovation and competition, though acknowledges that the current enforcement mechanisms and infrastructure is lacking.</p> <p>Specialised IP courts do not currently exist, and infringement of IPRs must go through the regular court system, though the Copyright Office and DPDT can hear cases in some circumstances. Though the law provides for severe penalties for infringement of IP, enforcement and prosecution are in general quite rare, and there is only a weak linkage between IP administration institutions and law enforcement agencies, such as customs and the police service. There are no specialised courts that address IP matters and IP matters are treated as other criminal or civil litigation matters.¹¹⁴</p>
Burundi	<p>Very little data or information was found by this study on IP enforcement in Burundi. There is considerable mention of protection periods granted for trademarks, copyrights and industrial designs in the Annex on Burundi to the 2012 WTO Trade Policy Review of the EAC, however there is little mention of whether or how these are being enforced.¹¹⁵</p>
Cambodia	<p>Various law enforcement and judicial agencies are involved in the enforcement of IPRs in the country. The Border Authority focuses on combating the trade of counterfeit and pirated goods across borders, while the Economic Police focus on the domestic market. The Enforcement Section of the IP Department (Ministry of Commerce) coordinates the enforcement efforts, as well as acting as a mediator in disputes on trademark matters. In 2011, the Council of Ministers approved the establishment of a commercial court to deal with commercial and IP-related cases, though it is unclear whether this court is yet functioning.¹¹⁶</p>
Lesotho	<p>The IP legislation contains provisions for both civil and criminal remedies for owners of patents and other rights, including fines ranging from M10,000 and imprisonment for up to 10 years, or both. Lesotho still has fragmented laws dealing with enforcement of IPRs and lacks well-trained enforcement officials. Many difficulties are encountered with regards to IPR enforcement notably pirated and counterfeit goods predominantly related to the music industry.¹¹⁷</p>
Madagascar	<p>There is a lack of awareness and misinformation amongst consumers and operators such as SMEs of the existence of IP rights, as well as a lack of synergy amongst different IP agencies</p>

¹¹⁴ WTO Trade Policy Review, Bangladesh, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Bangladesh, 2010

¹¹⁵ WTO, EAC TPR 2012, Annex: Burundi

¹¹⁶ WTO Cambodia Trade Policy Review, 2011

¹¹⁷ WTO South African Customs Union TPR, Annex 2: Kingdom of Lesotho WT/TPR/S/222/LSO/Rev.1

	<p>responsible for enforcement of IPRs and within the administration (police, customs and judiciary). In addition, health departments responsible for enforcing and regulating pharmaceutical and phyto-sanitary products are having problems implementing the TRIPS Agreement, due mainly to a number of obstacles such as taxation and capacity deficiencies.</p> <p>The government has set up an Anti-Piracy Brigade (BAP) within the Ministry of Culture and Heritage in an attempt to combat piracy, theft and looting of cultural heritage and enforce IPRs.¹¹⁸</p>
Malawi	<p>Enforcement institutions include the Ministry of Justice (industrial property), Ministry of Culture (copyright), Malawi Police, Malawi Revenue Authority and the Malawi Bureau of Standards. However, the number of officers available for IPR enforcement is not clearly defined and there appear to be no specialised units with police and customs services. IP rights are enforced by the Director of Public Prosecution which handles all criminal cases, and through the regular civil court for non-criminal cases brought by copyright owners.¹¹⁹</p>
Mali	<p>The role of the national IP office in the enforcement of private IPRs is to combat piracy by promoting awareness and monitoring the markets through BUMDA. The most prominent form of infringement occurs through the unauthorised reproduction or import of musical/cinematographic works and the main measures taken to counteract infringement are higher penalties for counterfeiting, promotion of awareness and more controls. IP cases are held according to the nature of the infringement; for copyright infringement, legal proceedings may be brought to the civil or criminal level and the authorities in charge of this are BUMDA, police force, Gendarmerie, customs and competition/trade services. There are no specialised IP courts.¹²⁰</p>
Mozambique	<p>Supervision of industrial property rights is the responsibility of the Inspector General of the Ministry of Commerce, in consultation with the Industrial Property Office (IPI). Holders of titles can lodge complaints with the Inspector General's office, which investigates and decides whether infringement has occurred. It can order the seizure of infringing products or refer the case to the Commons Court. Mozambican authorities note that counterfeiting of trademarks is the leading cause of IP infringement in the country.¹²¹</p>
Nepal	<p>In Nepal, punishment for copyright infringement may take the form of a fine of Nr 10,000-100,000, imprisonment for a maximum of 6 months, or both. For repeat infringement, the fine is raised to Nr 20,000-200,000, and imprisonment to a maximum of one year. Persons importing unauthorised copies of any work are punished with a fine of Nr 10,000-100,000, and the unauthorised copies are seized. For any other copyright infringement, punishment is a fine of Nr 5,000-50,000. In all cases, compensation must be provided to the right holder.¹²²</p> <p>Enforcement of IPR protection at the border is the responsibility of Customs. Under Section 68 of the Customs Act 2007, Customs may only act following a complaint. According to the authorities, there have been no cases of customs actions in IPR enforcement at the border.¹²³</p>
Rwanda	<p>The Commercial Court branch of Rwanda's High Court is the designated institution for IP-related cases, though it appears few, if any, cases have been brought to the court. Rwanda's customs agency relies on the World Customs Organisation (WCO) Regional Intelligence Liaison Office to provide assistance on the detection of IP infringement cases at border crossings. The 2009 IP legislation provides extensive powers to the police and customs authorities to address IP enforcement.¹²⁴</p>
Samoa	<p>The modernised IP legislation introduced in 2011 provides for increased enforcement powers to national IP authorities, including increased search and seizure powers. The new legislation also provides for cases of civil infringement to be heard by the Supreme Court. The Ministry of Revenue, Ministry of Police and the Ministry of Justice all work closely in enforcement of IP infringement.¹²⁵</p>

¹¹⁸ WTO TRIPS Council, Priority Needs for Technical and Financial Cooperation: Communication from Madagascar, 2013

¹¹⁹ WTO Malawi Trade Policy Review, 2010

¹²⁰ WTO Trade Policy Review, Mali, 2010 & Priority Needs for Technical and Financial Cooperation, Communication from Mali, 2012

¹²¹ WTO Mozambique Trade Policy Review, 2009

¹²² WTO, TPR Nepal, 2012

¹²³ Ibid.

¹²⁴ WTO EAC Trade Policy Review - Rwanda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Rwanda, 2010

¹²⁵ WTO Working Party on the Accession of Samoa, 2011

Senegal	The Justice Sector Programme, adopted in 2004, has led to strengthened capacity of judicial institutions. The programme established several learning modules, including one focused on IP cases. Enforcement is the responsibility of the national police and customs authorities. In 2007, a special anti-counterfeiting squad was set up to combat piracy and carry out inspections, resulting in a significant level of seizures and arrests. ¹²⁶
Sierra Leone	In its needs assessment submission to the TRIPS Council in 2007, Sierra Leone identified a number of enforcement agencies in need of strengthening, including the police and customs authorities, as well as the commercial division of the High Court, which has responsibility for handling IP-related cases.
Tanzania	IPR enforcement is an ongoing challenge for both mainland and Zanzibar officials, as Tanzanian industry estimates that pirated goods account for 40% of the total local market. The Tanzanian Fair Competition Commission has apprehended importers of counterfeits and seized counterfeit products, though the Commission has limited resources to launch nationwide campaigns. There is currently no special tribunal for IPRs, rather the High Court's Commercial Division is the main authority, and has been involved in several trademark cases, though the judiciary's limited knowledge of IPR issues is a major issue. ¹²⁷
Uganda	Patent and trademark holders must bring infringement cases to the Ugandan High Court to obtain damages or other remedies. The Trademarks Act 2009 provides for the appointment of inspectors to assist the police services in IP enforcement, though there is no clear indication of the implementation of this provision. ¹²⁸
Vanuatu	Vanuatu has indicated that it has very limited enforcement capacity and that the relevant offices lack expertise on IP regulation. National agencies involved include the Vanuatu Financial Services Commission, Department of Customs, Department of Trade, Police and the Attorney General. ¹²⁹
Zambia	Enforcement is mainly undertaken by PACRA, the IP unit of the Zambian Police, and the Copyright Unit of the Ministry of Information. The Copyright Unit works with a number of customs and law enforcement agencies to crack down on counterfeited items. ¹³⁰

Using IP as a development tool

LDCs require a wider institutional infrastructure to support their national innovation capabilities and maximise access to foreign technologies and knowledge assets protected by IP, particularly those which are vital for their economic and social development.

LDCs furthermore need to develop national private sector capability in the use of IP as a strategic business tool (particularly for SMEs); to strengthen research institutions and intermediaries supporting innovation and technology transfer/absorption; and to conduct public education and awareness campaigns that communicate the role of IP in innovation, creativity and technology transfer. As the case studies in table 7 below reveal, a number of LDC WTO members have established or are seeking to establish, outreach campaigns and technology transfer offices, often as part of a national innovation policy or strategy.

SMEs comprise the majority of employment within LDCs and are often the driving force behind invention and innovation activities. However, this innovative capacity is rarely fully exploited due to the challenges faced by SMEs in LDCs in identifying and accessing relevant information and assistance on IP rights management and technology transfer.¹³¹ This

¹²⁶ WTO Trade Policy Review, Senegal, 2009 & Priority Needs for Technical and Financial Cooperation, Communication from Senegal, 2011

¹²⁷ WTO EAC Trade Policy Review - Tanzania, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Tanzania, 2010

¹²⁸ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

¹²⁹ WTO Working Party on the Accession of Vanuatu, 2011

¹³⁰ WTO Zambia Trade Policy Review, 2009

¹³¹ Ibid

reflects a lack of knowledge and awareness amongst SMEs, as well as a lack of outreach capability, resources and service provision by government agencies and business development intermediaries.

Greater recognition by SMEs of the intangible value of their products can create successful business models based around branding in domestic and export markets. Using IP tools such as a trademark and licensing plan, SMEs in LDCs can capture more of the brand value to achieve higher income streams. Ethiopian Fine Coffee is a good example of the significance of having support from government and development partners to enable domestic SMEs to develop a clear, well-developed trademark and licensing plan.

Using IP management tools and outreach services from government and development partners through technical assistance, coffee producers in Ethiopia have been able to capture more of the international market value of their produce and raise their income. The strengthened negotiating position of the Ethiopian fine coffee export sector which came out of the efficient use of IP tools captured an additional \$100m out of the retail value of the coffee in 2007/8.¹³² With more than 15 million¹³³ Ethiopians relying on the coffee industry for their livelihoods, IP tools have played a pivotal role in the country's recent economic and social development.

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

Bangladesh	<p>The Government highlights the ongoing need for international technology transfer agreements, particularly in the pharmaceutical, manufacturing and agricultural sectors, to strengthen the country's continued economic development and industrialisation. For instance, the domestic pharmaceutical industry would benefit significantly from increased technology transfer to strengthen its sustainability once the TRIPS transitional period expires and foreign firms begin to apply for patents. On the domestic R&D side, Bangladesh relies primarily on public research facilities, limiting the potential for innovation and creation to drive growth.</p> <p>The recently released Industrial Biotechnology Action Plan aims to increase the tangible benefits from the national research capacity. Further, improving the capacity of copyright enforcement could bolster the growing creative industry (music, art, literature), which is a significant export industry and heavily dependent on IP protection for sustainable growth.¹³⁴</p> <p>Bangladesh has successfully submitted significant amounts of data regarding patent, trademark and design registrations and applications to WIPO, with further breakdown into resident and non-resident status. The department of Patents, Designs and Trademarks provides links to the WIPO search databases, as well as providing clear information on legislation surrounding the IPRs.</p>
Burundi	<p>There is little evidence available of Burundi's use of IP as a development tool evidenced by the lack of information on the existence of a comprehensive patent information system database, the existence of national institutions to facilitate technology transfer, or information on whether Burundian nationals hold IPRs domestically or abroad.</p>
Cambodia	<p>Cambodia has received funding for the Department of Intellectual Property Rights on enhancing intellectual property teaching and training. The outcome of this training is to ensure better quality and reliability of information on IP and IPR in Cambodia through IP training for Cambodian government agencies and institutions of higher learning. The department has recognised the need to translate patent information and texts into Khmer to make them more accessible on a national scale.¹³⁵</p> <p>Based on 2009 WIPO data, there were 2 trademark registrations made by Cambodian nationals abroad.</p>

¹³² Saana Consulting, Analysing the Impact of IP Technical Assistance, UK Intellectual Property Office, 2011

¹³³ Light Years IP, *Distinctive values in African exports; how intellectual property can raise export income and alleviate poverty*, 2008.

¹³⁴ WTO Trade Policy Review, Bangladesh, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Bangladesh, 2010

¹³⁵ Kingdom of Cambodia, Ministry of Commerce, MoU between Department of International Cooperation and Department of IPR/National Committee for IPR, 2010

Lesotho	<p>There is limited information available as to the existence of a national IP database in Lesotho, and the existence of national institutions that facilitate technology transfer agreements for research and development. Lesotho's most recent WTO Trade Policy Review states that technical assistance is required in order to train officials.¹³⁶</p> <p>Lesotho has provided data to WIPO on trademark applications and registrations with a breakdown provided of the origin of the applications. All applications and registrations were made by non-residents.</p>
Madagascar	<p>Madagascar has made some efforts to promote the use of IP as a development tool to promote innovation, research creativity and knowledge transfer. However, efforts made thus far have not yielded convincing results. Information and awareness through the radio, television and press only reach a small proportion of the target population. Progress has been made however with respect to research, technology and innovation through the introduction of research centres but significant efforts are required, with the existing research centres working in synergy, to develop training for operators.¹³⁷</p> <p>Madagascar has reported data to WIPO Statistics on patent, trademark and industrial design applications and registrations from 2008 to 2011. It has also provided a breakdown of the origin of the applications.</p>
Malawi	<p>Malawi has highlighted a number of areas where strengthening of the IP infrastructure and raising awareness could facilitate increased development. For instance, the creation of a Patent Information System (PIS) could help to spur innovation and technology transfer to support industrial development in key sectors such as manufacturing, mining and agriculture.¹³⁸</p> <p>Sub-theme 5 of Malawi's Growth and Development Strategy focuses on research, science and technology with the goal to attain sustainable socio-economic development through the development and application of science and technology in order to improve industrial productivity and quality of goods and services.¹³⁹</p>
Mali	<p>The Malian Centre for the Promotion of Industrial Property (CEMAPI) has a number of different functions related to IP. Specifically in promoting the use of IP as a development tool, the office plays a role in promoting awareness of the importance of IP and assists users to complete the formalities for obtaining IP titles.¹⁴⁰</p> <p>The EIF DTIS (2004) noted the importance of IPR in relation to cultural industries, with support being primarily in the form of application and knowledge dissemination of the rights and duties pertaining to intellectual property protection for artists.¹⁴¹</p> <p>According to WIPO Statistics, Mali reported data on applications and registrations of industrial designs made by both residents and non-residents from 2008 to 2011.</p>
Mozambique	<p>The Mozambique Industrial Property Office has a wide range of information related to IP including information on registration and legislation.</p> <p>The Mozambique Science, Technology and Innovation Strategy details the importance of technology transfer and licensing of IP.¹⁴² It addresses the need to establish the technical skills and capacity to address issues related to IPR protection in order to ensure that the use of IP will be geared towards development.</p> <p>According to WIPO Statistics, Mozambique reported data on applications and registrations of trademarks covering the period 2008 to 2011 but no breakdown into resident and non-resident was provided.</p>
Nepal	<p>The Department of Industries website contains information on patents, trademarks and designs, and also specifically regarding the rights, application process, examination and publication of the form of IP.</p>
Rwanda	<p>Improving science and technology outcomes is a priority of the Government and is</p>

¹³⁶ WTO, SACU TPR, Annex 2: Kingdom of Lesotho, 2012

¹³⁷ WTO TRIPS Council, Priority Needs for Technical and Financial Cooperation: Communication from Madagascar, 2013

¹³⁸ Malawi Ministry of Industry and Trade, 2011

¹³⁹ Government of Malawi, Growth and Development Strategy, 2006-2011

¹⁴⁰ WTO, TPR Benin, Burkina Faso and Mali, Annex 3: Mali, 2012

¹⁴¹ Mali, *Expanding and Diversifying Trade for Growth and Poverty Reduction: DTIS*, 2004

¹⁴² Republic of Mozambique, Mozambique Science, Technology and Innovation Strategy, 2006

	<p>emphasised in the National IP Policy. Rwanda has established the Centre for Innovation and Technology Transfer, increased public expenditure on R&D and expanded university courses to strengthen the country's technological and broader economic development.¹⁴³</p> <p>The website of the Office of the Registrar General has an IPR information service available to the public. Information can be found on specific IPRs or groups of rights and search results are available in pdf format.¹⁴⁴</p> <p>WIPO Statistics reveals that as of 2009, 1 industrial design application had been made.</p>
Samoa	<p>There is little evidence available of Samoa's use of IP as a development tool evidenced by the lack of information on the existence of a comprehensive patent information system database, the existence of national institutions to facilitate technology transfer, or information on whether Samoan nationals hold IPRs domestically or abroad.</p>
Senegal	<p>The Senegalese Agency for Industrial Property and Technological Innovation does not appear to have a comprehensive patent information system database. However one of the principle missions of the agency is to educate individuals on the uses of inventions, trademarks, and industrial designs in order to enable their contribution to technological and economic development.</p> <p>Senegal identifies the lack of R&D facilities and low levels of technology transfer as major obstacles to development. The Industrial Property Office engages with SMEs to raise awareness of the importance of IP protection.¹⁴⁵</p> <p>Senegal has reported limited data to WIPO Statistics on design applications and registrations however there is no breakdown of this information to determine the origin of the applicant.</p>
Sierra Leone	<p>Sierra Leone has identified challenges in formulation and implementation of national IP policies and strategies, specifically limited capacity building in the form of education and knowledge raising. Courses in the study of law generally exclude teaching on the laws related to IP.¹⁴⁶</p> <p>Sierra Leone's needs communication to the WTO supports the above statement calling for assistance in the areas of innovation promotion, technology transfer, creativity and the general use of IP for development.¹⁴⁷</p> <p>WIPO IP Statistics Data Centre contains some information on IP applications and registrations reported by Sierra Leone. No trademark registrations were reported as made to residents between 2008 and 2011 (no information on patent or industrial designs).</p>
Tanzania	<p>A forum was held in November 2011 on the interface between IP and enhanced performance of agro-foods industries in Tanzania, highlighting the recognition of the importance of promoting an understanding of how IP systems can be used to benefit industries.</p> <p>The Copyright Society of Tanzania was established under the Ministry of Trade and Industry providing services of registration, licensing, distribution, legal services, and anti-piracy. The key objectives of the society include the advancement of economic and moral interests of authors and performers, the establishment of effective machinery for collection of royalties, the adoption of modern business practices and the building of an efficient and effective workforce.</p> <p>The Business Registration and Licensing Agency (BRELA) contains a number of publications and reports on IP, setting out the national IP strategy for Tanzania. The National Intellectual Property Strategy 2012 highlights the need to develop sustainable capacities to enable Tanzania to use IP as a vehicle for building a competitive economy through creation, innovation/inventions, utilisation and acquisition of IP. Specifically, a programme designed to enhance capacities to raise IP awareness, develop IP knowledge and conduct IP research has been proposed.</p> <p>The Tanzanian Commission for Science and Technology is a prime driver of science, technology and innovation for sustainable development in Tanzania fostering a knowledge-</p>

¹⁴³ Rwanda Ministry of Trade and Industry, Intellectual Property Policy, 2009

¹⁴⁴ Rwanda Office of the Registrar General, Register of Intellectual Property Rights: http://org.rdb.rw/?page_id=31

¹⁴⁵ WTO Trade Policy Review, Senegal, 2009 & Priority Needs for Technical and Financial Cooperation, Communication from Senegal, 2011

¹⁴⁶ Sierra Leone Presentation on challenges in formulation and implementation of national IP policies and strategies: http://www.wipo.int/edocs/mdocs/aspac/en/wipo_inn_tyo_12/wipo_inn_tyo_12_ref_t3sierra_leone.pdf

¹⁴⁷ WTO, Communication from Sierra Leone, Priority Needs for Technical and Financial Cooperation, 2008

	<p>based economy through promotion, coordination of research, technology development and innovation.</p> <p>The most recent EIF DTIS update (2009) included IP for the first time, focusing on expanding the competitive export supply of goods and services.¹⁴⁸</p>
Uganda	<p>There has been the development by the Uganda National Council for Science and Technology of a National Science Technology and Innovation Plan 2012/13 to 2017/18.</p> <p>Uganda's national science and technology policy framework (both in the National Development Plan and the National Science & Technology Strategy) highlights the importance of IP in the promotion of science and innovation for continued development. The Ugandan National Council for Science and Technology includes IP management as one of its key areas and holds monthly workshops free of charge for individuals and businesses seeking advice on patents, trademarks and other IP related issues.¹⁴⁹</p> <p>The Uganda Registration Services Bureau is responsible for IPR including the registration of patents and utility models. The website provides users with clear information on what constitutes an IPR, what can be protected and how. There are also forms available on the website for trademark applications.¹⁵⁰</p>
Vanuatu	<p>There is little evidence available of Vanuatu's use of IP as a development tool evidenced by the lack of information on the existence of a comprehensive patent information system database, the existence of national institutions to facilitate technology transfer, or information on whether Ni-Vanuatu nationals hold IPRs domestically or abroad.</p>
Zambia	<p>The Patents and Companies Registration Agency (PACRA) is the semi-autonomous agency of the Zambian Ministry of Commerce, Trade and Industry. One of PACRA's functions is to promote the establishment and maintenance of a computerised information centre for the publicity of company transactions, financial positions and the dissemination of technical information contained in patent documents to potential and actual users. There is also information on how to obtain a patent and register a trademark, all available for public use.</p> <p>On the website, there is information kept by the Companies and Business names Registry that is open to the public upon payment of a fee.¹⁵¹</p> <p>The National Technology Business Centre of Zambia offers a range of services related to IP and the transfer of technology. Consultancy services are provided in the areas of utilisation, adaption and adoption of technologies, commercialisation of innovations and promoting development of technology inclined businesses. In technology transfer, the centre brings technology seekers and users together to improve quality production of goods and services as well as providing advice on IP protection and utilisation.¹⁵²</p> <p>WIPO Statistics provides data on trademark applications and registrations made from 2008 to 2011 however no breakdown of origin of the application is available.</p>

3.2 Regional level policies & measures relevant to LDC members

African Regional Intellectual Property Organisation

The African Regional Intellectual Property Organisation (ARIPO) was established in 1976 and consists of the following member countries: Botswana, the Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mozambique, Namibia, Rwanda, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia, and Zimbabwe.

ARIPO evolved from the English Speaking African Regional Industrial Property Organisation (ESARIPO). The organisation was created to derive advantage from the effective and continuous exchange of information and the harmonisation and coordination of IP policies,

¹⁴⁸ United Republic of Tanzania, Ministry of Industry, Trade and Marketing; *Tanzania Trade Integration Strategy*, 2009-2013.

¹⁴⁹ Uganda National Council for Science and Technology, National Science, Technology and Innovation Plan, 2012

¹⁵⁰ Uganda Registration Services Bureau,

http://www.ursb.go.ug/index.php?option=com_content&view=article&id=33&Itemid=105

¹⁵¹ Patents and Companies Registration Agency: <http://www.pacra.org.zm/>

¹⁵² National Technology Business Centre, Zambia: <http://www.idisc.net/en/Incubator.165448.html>

laws and activities. ARIPO is located in Harare and currently includes 9 WTO-member LDCs. ARIPO administers the Harare and Banjul protocols, which were adopted in 1982 and 1997 respectively. All the member states of ARIPO except Somalia are members of the Harare Protocol. The members of the Banjul protocol, however, are four WTO-member LDCs namely Lesotho, Malawi, Tanzania and Uganda.

The Harare and Banjul protocols (henceforth referred to as the 'regional systems') aim to streamline the filing and processing of patent, utility model, industrial design and trademark applications, granting or registering and administering patent, utility model, industrial design and trademark titles. The agreements provide for centralised procedures including renewal, publication, amendments and representation.

When an application is filed with a national industrial property office, the office has a duty to transmit the application to ARIPO within one month of receiving the application. Upon receipt of the application, the organisation will undertake a formal examination of applications for registration of industrial designs and trademarks, and both formal and substantive examinations of patent and utility model applications and notify designated states. The designated state has a duty to communicate its decision. Where no communication is made within the prescribed period of time or when an application is accepted, the organisation will publish a notice in its journal that the patent is granted or the utility model, industrial design or trademark is registered.

ARIPO-members are expected to incorporate the provisions of the protocols into their domestic legislation. It should be noted, however, that the regional systems do not replace national industrial property systems. Matters arising after the grant or registration of titles (except renewal) as well as enforcement actions against infringement of industrial property titles are governed by national laws of the member countries. Member states may, for example, issue a compulsory license or revoke granted titles.

Two major processes are taking place in ARIPO with respect to the development of the regulatory framework for the protection of IP. The first is the on-going establishment of the legal framework for the protection of plant varieties. The second important development is the prospective development of a regional framework for the protection of geographical indications. The establishment of such a framework is now made possible with the signing in November 2012 of a cooperation agreement between the European Commission and ARIPO. The purpose of this cooperation agreement is to improve the protection of traditional agricultural products (geographical indications or 'GIs') in Africa. The specific actions that will be conducted in the context of this cooperation agreement are the promotion of a GIs legal framework, informing producers and other stakeholders as well as enhancing the public's awareness of GIs and their potential for African producers.

ARIPO faces issues such as working with obsolete laws, and the lack of laws in some areas such as plant variety protection. ARIPO has identified the need for assistance on the establishment of regulatory frameworks, training, capacity building, awareness-raising on IP, IP administration and the modernisation of the IP infrastructure including the automation of the IP system.

With regards to resource mobilisation, ARIPO indicates that a number of partners have provided support to the organisation for its activities including the United States Patent and Trademark Office, the European Union, WIPO, China and Australia.

ARIPO patent, trademark and industrial design data¹⁵³

With regards to statistics on IP applications and registrations, according to data reported to WIPO, total patent applications at ARIPO have fluctuated considerably over the last decade

¹⁵³ WIPO Statistics IP Data Centre website: <http://ipstatsdb.wipo.org/ipstats/ipstats/patentsSearch>

with the periods 2002-2007 and 2009-2011 displaying no applications submitted at all. Total trademark applications peaked in 1997 followed by a substantial decline with no applications reported since 2002. Industrial design applications experienced a similar pattern with no reported applications after 2001.

Organisation Africaine Propriété Intellectuelle

The Organisation Africaine de la Propriété Intellectuelle (OAPI) emerged out of the Bangui Agreement of 2nd March 1977. Member countries include Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Cote D'Ivoire, Gabon, Guinea, Guinea-Bissau, Equatorial Guinea, Mali, Mauritania, Niger, Senegal, and Togo.

OAPI provides co-operation in the protection of IPRs in its Member States, 11 of which are WTO-member LDCs. The mention of the various international treaties on IP in the preamble of the 1999 Revised Bangui Agreement, including the 1994 WTO TRIPS Agreement, is a clear indication that the OAPI instrument is shaped to reflect existing international standards and trends concerning the protection and administration of IPRs. Indeed, in order to be in a better position to cooperate internationally pursuant to Article 69 TRIPS, the 1977 Bangui Agreement was revised in 1999 specifically in response to the requirements of the TRIPS Agreement.

The Bangui Agreement is divided into eleven parts including the agreement itself to which 10 annexes are associated with each representing a tool for the protection of a specific type of IPR. A look at these annexes in comparison with Part II of the TRIPS Agreement reveals that the 1999 Revised Bangui Agreement has largely covered the types of IPRs treated by the TRIPS Agreement.

OAPI provides a common administration of all forms of industrial property, with the headquarters of OAPI working with national liaison structures (generally located within national ministries charged with industrial and commercial issues) in the filing and registration of industrial property titles.

Concerning the role of OAPI in the development of national IP policies in its member countries alongside other technical assistance provided by organisations such as WIPO, OAPI's role has been predominantly observatory in order to ensure that policies reflect the Bangui Agreement in its current form and include areas that are likely to be added in a planned revision.

One significant development in respect of the efforts deployed by OAPI to promote the use of IP as development tool is the institution's setting up of a special fund to which a range of actors are eligible. Called Fonds d'Aide à la Promotion de l'Invention et de l'Innovation (FAPI), this mechanism has been set up by OAPI in order to assist the organisation in pursuing the valorisation of the patents that it delivers. In valorising patents, OAPI hopes to ensure efficiency in its assistance to its member countries' strategies aimed at integrating the role of innovations in the broader development process. Considering that the mechanism targets the broader development strategies of OAPI member countries, it is also a tool available to the private sector as it looks to enhance its development-oriented innovation activities.

A revision process of the Bangui Agreement has been started, and the on-going internal process within OAPI to develop a sui generis IP-based tool for the protection of genetic resources and traditional knowledge will be one of the major expected additions to the annexes of the Bangui Agreement within this framework.

Broadly speaking, OAPI has expressed its needs as an organisation to centre on the areas of modernisation of IP systems with the establishment of an automated system, training of actors such as the judiciary for the enforcement of IP and the broader fight against

counterfeit goods. One of the main difficulties raised by OAPI which constrains efforts to mobilise resources from international co-operation partners is the fact that most co-operation partners tend to work directly with countries rather than regional entities.

The organisation operates on the basis of a five-year plan of action which details the specific activities co-operation partners may fund in order to support the improvement of the OAPI IP system. The 2013-2017 plan is an important tool that OAPI is willing to share with interested partners which may be interested to support the organisation.

OAPI patent, trademark and industrial design data¹⁵⁴

According to data reported to WIPO, the OAPI experienced significantly more applications across patents, trademarks and industrial designs than ARIPO. Total patent applications reported have experienced relatively consistent growth since the sharp fall between 1995 and 1996, although there have been no reported applications since 2009. Total trademark applications showed a more sustained increase in numbers, peaking at over 3,000 applications in 2008. Like patent applications, there have been no trademark applications reported since 2009. Industrial design applications were more sporadic, and applications peaked in 2009 but dropped sharply in 2010.

East African Community

The East African Community (EAC) was established following the EAC Treaty of 1999 and consists of 5 partner states: Burundi, Kenya, Rwanda, Tanzania, and Uganda (four of which are WTO-member LDCs).

The objectives of the EAC as set out in the 1999 EAC Treaty are to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit.

One of the areas of cooperation identified in the Protocol Establishing the Common Market¹⁵⁵ of the EAC is in the promotion of IP through the development of common policies within the community. With regards to the cooperation in IPR, Article 43 of the Common Market Protocol provides that the Partner States undertake to:

- Promote and protect creativity and innovation for economic, technological, social and cultural development in the Community; and
- Enhance the protection of intellectual property rights.

The areas of cooperation on IP matters identified by the protocol are:

- Copyright and related rights
- Patents
- Layout designs of integrated circuits
- Industrial designs
- New plant varieties
- Geographical indications
- Trade and service marks
- Trade secrets

¹⁵⁴ WIPO Statistics IP Data Centre: <http://ipstatsdb.wipo.org/ipstats/ipstats/patentsSearch>

¹⁵⁵ EAC, *Protocol on the Establishment of the East African Community Common Market*, Tanzania, 2009.

- Utility models
- Traditional knowledge
- Genetic resources
- Traditional cultural expressions and folklore
- Any other areas that may be determined by the Partner States.

The Common Market Protocol calls on the EAC Council to issue directives to EAC Partner States to co-operate in the administration, management and enforcement of IPR and to eliminate discriminatory practices in the administration of IPR amongst Partner States. Furthermore, the Common Market Protocol invites EAC Partner States to establish mechanisms that ensure the legal protection of the traditional cultural expressions, traditional knowledge, genetic resources and national heritage; the protection and promotion of cultural industries; the use of protected works for the benefits of the communities in the Partner States and cooperation in public health, food security, research and technological development.¹⁵⁶

Article 103 of the EAC Treaty and Article 43 of the EAC Common Market Protocol set out the framework for regional cooperation and harmonisation of IPR policies. An EAC Regional IP Protocol and Policy on the utilisation of Public Health-Related WTO-TRIPS flexibilities and the approximation of national IP legislation was finalised in February 2013. This initiative aims at maximising the benefits of TRIPS flexibilities, through harmonisation of EAC countries' policies on IPRs, and to facilitate the manufacture and imports of essential medicines. A Technical Expert Committee on TRIPS and Access to Medicines (TECTAM) is already in place to oversee the implementation of this initiative. The main challenge to development of the policy and protocol has been the low level of awareness (in key stakeholders within the EAC) of the role of IP in development, and in particular the importance of the WTO TRIPS flexibilities in facilitating local manufacturing capacity within the region.

Efforts are also being made at the regional level to fight counterfeit and pirated products. The EAC Anti-Counterfeiting Bill is currently being finalised by the EAC Secretariat.

Association of Southeast Asian Nations

The Association of Southeast Asian Nations (ASEAN) was established on 8th August 1967 by founding members; Indonesia, Malaysia, Philippines, Singapore and Thailand. Today, membership has expanded to 10 countries, with additional members being Brunei Darussalam, Cambodia, Lao PDR, Myanmar and Viet Nam (three of which are WTO-member LDCs).

The ASEAN Declaration comprises seven aims and purposes, two of which have the potential of benefiting from setting up of common IP policies within the association. Indeed, the first aim and purpose of the ASEAN declaration is: 'To accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian Nation'. While the fifth aim and purpose of the ASEAN Declaration is for its Member States: 'to collaborate more effectively for the greater utilisation of their agriculture and industries, the expansion of their trade, including the study of the problems of international commodity trade, the improvement of their transportation and communications facilities and the raising of the living standards of their peoples'.¹⁵⁷

¹⁵⁶ EAC, Common Market Protocol Article 43, Cooperation in Intellectual property Rights, 2009

¹⁵⁷ Association of Southeast Asian Nations, Overview: <http://www.asean.org/asean/about-asean/overview>

The common vision of the ASEAN countries on IP protection was crystallised in the 2004-2010 Intellectual Property Action Plan.¹⁵⁸ The objectives of the action plan are:

- To help accelerate the pace and scope of IP asset creation and commercialisation inside and outside ASEAN, and the formation of domestic and cross-border linkages in S&T fields and R&D activities.
- To develop and harmonise an enabling IPR registration, protection and enforcement framework of policies and institutions in the region.
- To promote greater public awareness, and the building up of human resources and institutions relating to IP and IPRs in ASEAN.
- To further empower national IP Offices in the collaborative provision of Business Development Services (BDS) in support of the above objectives.

The realisation of the objectives of the IP action plan was made possible with the setting up of the EC-ASEAN Project on Intellectual Property Rights (ECAP). This is now in phase III, with funding provided through the financing agreement signed 21st October 2009 between the European Commission and the ASEAN Secretariat, and a contribution agreement signed on 18th December 2009 between the European Commission and the European Patent Office. The overall objective of ECAP III is to further integrate ASEAN countries into the global economy and world trading system to promote economic growth and reduce poverty in the region. The project aims to facilitate ASEAN regional integration through the establishment of a regional institutional capability within ASEC to support policy coordination and drafting of new policies, preparing for Summits and developing existing national and regional structures towards regional ASEAN integration.¹⁵⁹ ECAP III comprises five components notably:

- Component I: Capacity building and regional cooperation for IP enforcement and regulation in ASEAN.
- Component II: Improving the legal context and administration of IPRs in ASEAN countries harmonised with international and regional commitments to IP standards.
- Component III: Using IP as a tool for economic development and integration in ASEAN.
- Component IV: Structured expansion of IP education, training and research institutions and programmes within a common ASEAN-wide regional network.
- Component V: Enhanced capacity of ASEC to support, monitor and coordinate regional policies and work streams on IP including support to ASEAN institution building.

The aim is for ECAP III to bring about greater alignment of the ASEAN countries' IP law and policies at domestic and community level with the minimum requirements of TRIPS.

¹⁵⁸ Association of Southeast Asian Nations, ASEAN IP Action Plan 2004-2010:

<http://www.asean.org/component/zoo/item/asean-intellectual-property-right-action-plan-2004-2010>

¹⁵⁹ ASEAN Project on the protection of intellectual property rights, ECAP III: <http://www.ecap-project.org/>

4. IDENTIFYING LDC NEEDS

4.1 Priority needs communicated by LDCs to date

Sierra Leone

Sierra Leone communicated its needs for financial and technical assistance to the TRIPS Council on 28th September 2007. In its communication, Sierra Leone acknowledges that the country can use the protection of IPR as a tool for development and as an integral part of sustainable policies on science, technology, culture and innovation, in line with the conclusions of the WIPO Development Agenda and the report of the UK Commission on Intellectual Property Rights of 2002. However, owing to its low technological base, institutional weakness as well as pressing needs for human, social, and economic development, the 2007 communication of Sierra Leone stresses that the country needs ample time to modernise its own policy, legal and administrative framework on IP. The communication sets out the priority needs and plan of action for financial and technical assistance for the country to fulfil its obligations under TRIPS. The priority needs identified by Sierra Leone are organised around the following four clusters:

- Under the IP policy and legal frameworks cluster, the specific priority needs identified are: the strengthening of the IP policy/legal development and coordination capacity in the Ministry of Trade and Industry; supporting IP legislative development and policy coherence; enabling Sierra Leone's regular and effective participation in meetings of the WTO Council for TRIPS and WIPO; and developing a multidisciplinary IP policy research and analysis capacity in the University of Sierra Leone.
- Under the IPR administration cluster, the specific priority needs identified are: modernising the organisational status of IPRs administration in Sierra Leone; human resource capacity-building in terms of additional manpower and new types of skills; automation of registries for trademarks, industrial designs and patents; and the establishment of an Industrial Property Appeals Tribunal.
- Under the enforcement and regulation cluster, the specific needs identified are: improving business and consumer education and awareness about IPRs; training of enforcement agencies in IPR concepts and national legislation; provision of access to networked, computerised national IP registries for the Sierra Leone Customs Service; and enhancing co-operation with foreign enforcement agencies on counterfeiting.
- Under the cluster on innovation, technology transfer and use of IP as a development tool, the specific needs identified are: development of a domestic innovative and creative base; improving business education and awareness about IP management for Small and Medium-sized Enterprises (SMEs); development of a Patent Information Service to support innovation and technology transfer; and development of a multi-disciplinary IP policy teaching capacity in the University of Sierra Leone.

In addition to the specific needs as clustered above, the communication elaborates a plan of action for the realisation of the priority needs. The plan of action contemplates the realisation of specific activities much of which were meant to run between 2007 and 2013. This was also followed up with the submission to the TRIPS Council in 2008 by Sierra Leone of a project document for a comprehensive national IP capacity building programme (see Text box 2).

As it stands, there has been no official submission to WTO as to how successful Sierra Leone has been in mobilising the resources to implement the proposed national IP capacity building programme and what has been achieved so far.

With regards to the EIF Diagnostic Trade Integration Study (DTIS) formulated for Sierra Leone in 2006, the key technical and financial needs communicated in relation to IP were with regards to border management and the introduction of Flexible Anti-Smuggling Teams (FASTs), which have been introduced in many other countries.¹⁶⁰

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

Subsequent to its needs communication submission to the TRIPS Council in 2007, in 2008 Sierra Leone took the initiative to make a follow-up communication, identifying their priority needs and translating these into a national IP technical assistance programme.

Sierra Leone followed up with a modest, two-year initial technical assistance project proposal to enable the country to start moving forward with implementation of the TRIPS Agreement. A number of stakeholders were incorporated, including government ministries, the police, the University of Sierra Leone and a number of business sector associations.

The overall goal of the project is to further integrate Sierra Leone into the global economy and world trading system by increasing the contribution of IP towards the achievement of sustainable economic growth and poverty reduction, with the specific purpose of upgrading the national system for IP generation, protection, administration, and enforcement. The document outlines the expected results, projected components and activity clusters, project implementation and management arrangements, governance, monitoring, review and evaluation, and the implementation timeframe.

The inter-linked activity clusters focus on industrial property, specifically trademarks, and copyright, where a basic regime already exists and the IP infringement situation is most problematic.¹⁶¹

Uganda

Uganda made its submission of priority needs for technical and financial assistance on 3rd October 2007. The priority needs for technical and financial assistance identified by Uganda in its initial submission targeted the following priorities:

- The IP policy framework, focusing on the support for the coordination of IP policy development.
- Training for policy makers on IPRs concepts, international IPRs conventions and best practices from other countries.
- Development of a multidisciplinary IP policy teaching, research and analysis capacity in the academic community.
- Innovation, technology transfer and the use of IP as a development tool.
- The administration of IPR including such specific needs as the enhancement of human resources capacities at the URSB and the computerisation of the IP system in Uganda, considering that Uganda is member of the Patent Cooperation Treaty (PCT) and ARIPO.
- The enforcement and regulation of IPRs.

To realise the action plan pertaining to addressing the priority needs identified in its October 2007 submission, Uganda requested that consultations be pursued with international agencies such as the WIPO, United Nations Conference on Trade and Development (UNCTAD), World Health Organisation (WHO), United Nations Educational, Scientific and Cultural Organisation (UNESCO), Food and Agriculture Organisation (FAO), the World Bank and other interested international organisations and INGOs such as ICTSD. Uganda's needs communication was followed up with the submission to the TRIPS Council of a comprehensive national IP capacity building programme document in 2008. The follow-up

¹⁶⁰ Sierra Leone, DTIS: Adding Value through Trade for Poverty Reduction, 2006

¹⁶¹ WTO TRIPS Council, Priority Needs for Technical and Financial Cooperation, Communication from Sierra Leone, IP/C/W/523, 2008

document submitted by Uganda detailed the establishment of the Uganda Trade and Intellectual Property Programme (UTIP), aiming to further integrate Uganda into the global economy and world trading system by increasing the contribution of IP towards the achievement of sustainable economic growth and poverty reduction (see Text box 3).

Since communicating its needs to the WTO TRIPS Council in October 2007, some actions have been undertaken to address some of the needs initially identified and these include:

- The enactment of some legal instruments such as the Copyright and Neighbouring Rights Act (2006) and Regulations 2010; the Trade Secrets Act 2009 and the Trade Mark Act (2010) and Regulations 2012.
- A number of bills are going through parliamentary scrutiny including the Industrial Property Bill 2009, the Geographical Indications Bill 2009 and the Anti-Counterfeit Goods Bill 2009.
- The organisation of an IP forum in 2008 that addressed the strengthening of the public-private dialogue in order to update the Ugandan National IP Policy.
- In 2011, a national IP advisory group was formulated under the Uganda National Council for Science and Technology. This group is proposed to be transformed into an inter-institutional committee on IP.
- The Uganda National Council for Science and Technology has developed a National Science Technology and Innovation Plan 2012/13 to 2017/18.

Uganda received support from TradeCom (EU), UNDP and UNCTAD for the review of its industrial property bill and copyright law. For the organisation of the IP forum, support was provided by the BizClim (EU) project.

The Uganda Registration Services Bureau has been restructured as an autonomous body with the support of WIPO and there has been some automation of the system for trademark registration, the development of IP policies for Universities and the creation of a technology and innovation support centre at URSB.

One training session was organised in 2009 with the support of TradeCom to facilitate general sensitisation of judges, public prosecutors and attorneys. There have also been workshops facilitated by WPO, WTO and the United States Patent and Trademark Office (USPTO).

In relation to the use of IP as a development tool, Uganda received support from Light Years IP to develop a strategy for vanilla and shear butter. Light Years IP and the African IP Trust have been providing training to shear butter producers in Northern Uganda. WIPO is equally supporting branding for vanilla, cotton and sesame seeds in Uganda.

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

Subsequent to its needs communication submissions, Uganda took the initiative to submit a follow-up document to the TRIPS Council in 2008, identifying their priority needs and translating these into a national IP technical assistance programme.

The follow-up document submitted by Uganda detailed the establishment of the Uganda Trade and Intellectual Property Programme (UTIP), aiming to further integrate Uganda into the global economy and world trading system by increasing the contribution of IP towards the achievement of sustainable economic growth and poverty reduction.

The programme's principle component was an upgrade of the national system for IP generation, protection, administration, and enforcement, in line with TRIPS and applicable regional and international IP agreements.

The document outlines the expected results; implementation and management arrangements; and timeframe for the programme, identifying four main inter-linked activity clusters: updating national IP Policy, legal and

regulatory framework; using IP for business, creativity, innovation and technology transfer; modernising IPR administration; and strengthening enforcement and pro-competitive regulation of IPRs.¹⁶²

Bangladesh

Bangladesh submitted a communication to the WTO TRIPS Council in March 2010 outlining its needs for financial and technical assistance. The communication describes the legal and institutional framework on IP in Bangladesh and includes a list of specific projects with estimated budgets, the implementation of which will contribute to developing an enabling IP environment in Bangladesh.

Some of the projects proposed address the formulation of an IP policy; specialised training for officials of the ministries of industries, commerce, cultural affairs and agriculture as well as the copyright office, police, judiciary, custom officials, business people and other IP users. The priority needs of Bangladesh, reflected in the specific projects earmarked in the submission, are detailed in the form of an action matrix for encouragement and commercialisation of creation and innovations and enforcement of IP rights. The actions identified in the matrix are structured under three clusters including:

- IP policy.
- Encouragement and commercialisation of creation and innovation.
- Legal issues that include the improvement of the legal system, strengthening of the IP institutions, IP enforcement and the protection of folklore, traditional knowledge and cultural expressions.

Since the March 2010 submission by Bangladesh, a number of actions have been initiated whilst some key needs expressed in the submission are yet to be addressed. At the 2012 symposium, Bangladesh reported that needs which have not been met include the following:

- The formulation of a national intellectual property policy and strategy despite being in the process of amending some key IP laws.
- The restructuring of national IP institutions.
- The delivery of training and awareness-raising to targeted actors such as policy makers, the judiciary, police and custom officials.
- Development of IP related legal instruments aimed at genetic resources.

A number of actions where the country has engaged in order to improve its legal framework include the following:

- The revision of the patents and designs Act 1911 and the patents and designs rules 1933 toward the formulation of a new law (Bangladesh Patent Bill 2012).
- The development of a law on Geographical indications (Geographical Indications Bill 2012) which is in the process of finalisation.

On the modernisation of the IP system, work is on-going to attain an operationally fully automated system including an attractive website facilitating online application and e-payment. This automated system will generate databases of patents, industrial designs and trademarks. On the enforcement of IP, there are no specialised courts that address IP matters. IP matters are treated in the same procedures like the other criminal or civil litigation matters.

¹⁶² WTO TRIPS Council, Priority Needs for Technical and Financial Cooperation, Communication from Uganda, IP/C/W/510, 2008

In terms of responses from co-operation partners and resource mobilisation, at the 2012 WTO symposium Bangladesh reported that the Swiss government has responded positively to its request for the formulation of a national IP strategy and policy including the conduct of some awareness-raising and training programmes. This would build on a previous EU-WIPO project in Bangladesh.

Rwanda

On 28th May 2010, Rwanda communicated its needs to the TRIPS Council. The submission encapsulates the country's financial and technical capacity needs to bring its IP regime to the level where it can support the broader Vision 2020, under which Rwanda intends to transform its economy into a middle-income economy. In this regards, the country will require significant transformations and large investments in science and technology, innovation and entrepreneurship. In pursuing this vision, the IP regime of Rwanda has undergone important development. Chief among them is the enactment of the IP code of Rwanda in 2009.

Furthermore, Rwanda adopted its IP Policy on 24th March 2010. The mission of this policy is to ensure that national IP laws, institutional practices and strategies in public research institutions and industry are developed and implemented in a manner that contributes to building Rwanda's technological base and cultural industries and that advancements in science and technology benefit society. The 2010 IP Policy of Rwanda is based on six interrelated objectives notably:

- Increasing technological literacy and advanced scientific and technological skills that in turn would increase the innovation capacity.
- Promotion of innovation and creativity including minor and incremental innovations to provide an opportunity for the largest number of individuals and firms to participate in innovation.
- Increasing access to foreign and local technology by local firms and research institutions.
- Improving access to IP-based essential goods and services especially health and food.
- Facilitating investments in innovative and creative activities.
- Enhance the protection of traditional knowledge and facilitate equitable access to genetic resources and benefit-sharing.

Rwanda's May 2010 communication has identified the country's priority needs for financial and technical assistance for TRIPS implementation and organised them around the following clusters namely:

- Under the cluster for promotion of innovation, creativity and technology transfer for development, there is a need for financial and technical support to develop IP policies and strategies for public research institutions, including through specialised curricula and training on innovation and IP management for the research and scientific community. Furthermore, support is needed to developing industry support services and awareness including helping firms to identify relevant technologies from patent information; providing a patent information service not only about patents in Rwanda but also internationally; assisting industry to identify relevant public domain technologies and in examining the terms and conditions of licensing agreements.
- Under the IP policy and legal framework cluster, support is required for example for the development of a special law on traditional knowledge and genetic resources pursuant to Article 289 of the 2009 IP code. Also, there is an urgent short-term need

to sensitise and train key stakeholders, within government, the private sector, research institutions and civil society and consumer organisations on TRIPS and the IP Code, including on TRIPS flexibilities and exceptions in IP laws, and to promote public awareness on innovation and IP. In the medium-term, the priority is the development of advanced tailor-made university courses on development, innovation and IP for government officials, particularly in key ministries and agencies.

- Under the IPR administration cluster, the submission identifies the need for support for human resource development, in particular on-the-job training for the new staff of the Rwanda Development Board (which is the institution newly in charge of IP administration), study missions to other IP offices in Africa and elsewhere, and advanced courses in IP administration and management. There is also need for support in computerisation of documentation and operations, and IT support, in particular, procurement of equipment and specialised software to cover the costs of scanning and archiving the old paper records, training of staff and obtaining access to relevant international repositories and databases.
- Under the IPR enforcement cluster, financial and technical support is required on such activities as developing and rolling out public awareness campaigns; training for enforcement agencies, particularly the police, customs officials and the judiciary through advanced specialised courses in the short and medium term; provision of detection and testing equipment and the development of IP enforcement manuals for key enforcement agencies and access to jurisprudence and research resources for the Commercial Courts including through the establishment of a special IP section in the Commercial Court library.

Annexed to the May 2010 submission is a project document aimed at boosting the development of IP capacity building in Rwanda. The overall objective of this project is to further integrate Rwanda into the global economy and world trading system by ensuring that the implementation of the TRIPS Agreement and related agreements in Rwanda is undertaken in a manner that ensures that IP laws, institutional strategies and practices contribute to building Rwanda's technological base and cultural industries and thereby its national development.

The activities identified for the project are clustered around the support to the implementation of the IP policy; the establishment of a baseline on the status of innovation and creative industries; the development of balanced IP policies and strategies for public research institutions; the further development of the national IP legislative framework; the enhancement of IP-related human resource development and provision of on-job-trainings; the provision of equipment, training and educational resources on innovation, creativity and IP and the development and implementation of public awareness programmes.

Rwanda's DTIS (2005) specified the ICT sector as vital for prosperity and growth requiring sound IP legislation. The principal recommendation was support for the RITA in its role of supervising the development of the ICT sector and to aggressively pursue the legislative and regulatory changes that are necessary to stimulate a modern and competitive sector, especially with regard to competition law and IPR. A comprehensive audit and needs assessment has been recommended to pursue the ICT strategy goals.

Further, private sector collaboration and strengthening of private sector organisations has been identified as a principal component. An additional service that an exporter organisation could provide is assistance using IPRs to build product identity and protect innovations. It has been suggested that donors could help strengthen existing organisations through training in technical issues as well as building skills needed to effectively manage a membership organisation.¹⁶³

¹⁶³ Rwanda, DTIS, 2005

Tanzania

Using the diagnostic toolkit designed by the International Centre for Trade and Sustainable Development (ICTSD) and Saana Consulting in 2007, Tanzania undertook the identification of its priority needs under the leadership of the Ministry of Industry, Trade and Marketing in collaboration with the Business Registrations and Licensing Agency (BRELA). In October 2010, Tanzania submitted its priority needs communication for financial and technical support to the WTO TRIPS Council.

The document identifies a number of priority areas for technical and financial assistance around the following three main clusters:

- The modernisation of the IP system and strengthening of the IP administration.
- Strengthening of the enforcement and regulatory regime of IP with specific needs for training and capacity building of special agencies like the judiciary and customs officials.
- The use of IP as a development tool, especially as a tool for the promotion of innovation, creativity and technology transfer.

Since the 2010 submission, a number of activities are being carried out and are in progress including:

- The review of the industrial property legislation which should result in a new industrial property act.
- A few IP awareness creation programmes are being conducted and are complemented by participation at some exhibitions such as the International Trade Fair.
- A Tanzanian National IP strategy is under formulation with WIPO support.
- An Industrial Property Automated System (IPAS) has been installed by the Tanzanian Business Registrations and Licensing Agency (BRELA). However, a lack of capacity to sustain this IPAS is a serious threat to its viability.
- Modalities to improve the Tanzanian Intellectual Property Advisory Services and Information Centre (TIPASIC) are being considered in consultation with WIPO.
- There are initiatives to develop a national Branding Strategy.
- Specifically, a study on Coffee Branding Strategy is being organised in collaboration with WIPO.

Current priority needs expressed by Tanzania at the symposium fall under the four main clusters earmarked in the 2010 submission notably:

- The improvement of the policy and legal framework on IP.
- Promotion of innovation, technology transfer, creativity and using IP as a development tool.
- IPR enforcement and strengthening of the regulatory and institutional frameworks impacting on IP (customs authority, police force, judiciary).
- IPRs administration infrastructure.

At the 2012 WTO symposium, Tanzania stated that its main technical assistance provider on IP is WIPO.

IPR were mentioned initially in Tanzania's EIF DTIS Update (2009) focusing on the need to develop the capacity of support institutions assisting producers to meet international competitiveness standards including sanitary and phyto-sanitary standards, other technical standards, and IPR.¹⁶⁴

Senegal

In June 2011, Senegal communicated its needs to the WTO TRIPS Council. Senegal's communication emphasises that most of the national laws impacting on IP matters needed updating to reflect developments in the international context. Another critical element was the country's intention to produce a National Plan for the Development of Intellectual Property. This plan was meant to be supported and coordinated by the National Coordination Council for Intellectual Property which should be established to oversee and supervise the national IP system and advise the state on the implementation of the National Plan for the Development of IP. In 2011, Senegal signed a Memorandum of Understanding (MoU) with WIPO for the realisation of the National Plan for IP development.

Overall, the priority needs identified by Senegal in its 2011 communication centred on:

- The administration of IP.
- The legal framework on IP.
- Intellectual property enforcement.
- Intellectual property and development: the promotion of innovation, creativity and technology transfer.

In reporting on progress made in addressing the needs identified in the June 2011 submission, at the 2012 symposium Senegal reported that with its own resources it has initiated some actions to strengthen the national brigade for the fight against violation of IP. Other on-going actions include the reform of the customs code; preparation of a draft law to regulate traditional medicine; on-going process for the establishment of the Senegalese agency for literary and artistic property and the creation of Senegalese National Collective Management Society. There is also a planned national workshop for the creation of the National Coordination Committee for IP in Senegal.

Next to these national initiatives, Senegal updated its priority needs as presented during the 2012 symposium, which now focus on:

- The modernisation and strengthening of the administration of the IP system.
- Capacity building to fight against the violation of IP at the national level.
- The utilisation of IP as a development tool through the promotion of innovation, creativity and technology transfer.
- The integration of IP in research and academia.
- Training of examiners of applications for plant breeders' rights and in particular training of staff of the Senegalese Institute of Agricultural Research on DUS tests.¹⁶⁵
- Support on Geographical Indications.

In terms of co-operation partners, WIPO reported at the 2012 WTO Symposium that in collaboration with OAPI and the University of Yaoundé II, there is a programme on IP based

¹⁶⁴ United Republic of Tanzania, Ministry of Industry, Trade and Marketing; *Tanzania Trade Integration Strategy*, 2009-2013.

¹⁶⁵ DUS-tests are: testing that the variety is distinct (D) from any other variety whose existence is a matter of common knowledge at the time of the filing of the application and that it is sufficiently uniform (U) and stable (S).

at this University and supported through the Japanese fund in trust at WIPO. This IP programme is delivered in French. In a recent Art 67 notification, the US reported on a programme on Geographical Indications that was carried out in Senegal in 2011 and has a regional scope. Japan indicated its support to the establishment of Technology and Innovation Support Centres (TISC) in Senegal and indicated broader support on training, capacity building and others but through its cooperation agreement with WIPO. The EU indicated having contacted Senegal via its delegation in Dakar. That communication included offer of assistance on a number of priority needs raised by Senegal.

Senegal's EIF DTIS (2003) recognises the weakness of current legislation to protect the rights of composers, lyricists and artists in the music industry. Assistance could be provided to enforce collection of royalties from radio stations and the subsequent distribution of such royalties to poor musicians. Financing has been provided by the World Bank to support the rewriting of the copyright legislation.¹⁶⁶

Mali

Mali communicated its priority needs to the TRIPS Council in August 2012. In this communication, Mali articulates its priority needs for technical and financial assistance under four main pillars:

- Pillar 1: strengthening of the legal, regulatory and institutional frameworks of IP. Under this pillar, there are specific requirements such as technical assistance in the formulation of policies and programmes on IP, the formulation of a custom code etc.
- Pillar 2: strengthening of human resources and infrastructures for the implementation of TRIPS. Specific needs under this pillar include the organisation of a national workshop on IP, training of IP experts, training of researchers on the exploitation of scientific information contained in patent applications etc.
- Pillar 3: capacity building on science and technology with the specific need being the creation of a technology and innovation support centre in academic and research institutions.
- Pillar 4: promotion of IP including the creation of agencies for the fight against IP violation and counterfeiting activities, and the establishment of a national museum on IP.

In meeting these needs, assistance programmes must be supported by a strong communication strategy according to the August 2012 communication.

During the November 2012 WTO symposium, Mali gave further information on its priority needs for technical and financial assistance:

- Capacity building of staff in charge of TRIPS implementation: the request here is for the development and delivery of a three-year training programme on IP issues.
- Need for technical and financial assistance in all on-going programmes including the development of a national strategy and policy on IP.
- The provision of support to the institutions in charge of TRIPS implementation to fight counterfeiting activities.
- Improvement of the infrastructures of the institutions in charge of IP administration.
- Financial assistance to the communication strategy on IP issues and TRIPS implementation.

¹⁶⁶ Senegal, DTIS, 2003

As noted in Mali's EIF DTIS (2004), technical and financial assistance could be provided in the form of IP specialists and training courses. Further assistance is required with regards to public sector engagement, as well as changes in customs procedures relating to imported pirated media, and a review of the functions and structure of Mali's royalty collecting society (BuMDA).¹⁶⁷

Madagascar

In February 2013, Madagascar communicated its priority needs for technical and financial cooperation to the WTO TRIPS Council. In this communication, Madagascar has indicated seven strategic objectives.

Strategic objective 1 - updating IP policy and legal framework:

- The two bodies responsible for the administration of IP (OMAPI and OMDA) have called for technical and financial assistance to strengthen IP policy and legal development as well as coordination capacity by upgrading the Malagasy National Cultural Policy Law.
- Support has been requested for the reform of IP legislation and the harmonisation of sectoral policies with the different laws. Specifically the development of an IPR framework is required that is consistent with related policies in areas of culture, science and technology, health, competition, agriculture, livestock, fisheries and the environment.
- Technical assistance is required to update industrial property and copyright legislation. It is also necessary to draft laws in which traditional knowledge and folklore need to be highlighted given the abundance of cultural products and handicrafts that could be exported.
- Assistance is also requested to introduce a system for controlling products and strengthening efforts to combat counterfeiting.

Strategic objective 2 - modernisation of IP administration infrastructure:

- Separate building for the OMAPO and upgrading of the OMDA building.
- Computer materials and equipment for both offices.
- Digitisation of the archives for both offices.
- Computerisation of OMDA procedures for the allocation of rights.
- Open-air infrastructure for the promotion of folk dancing near cultural sites.
- Creation of and equipment for a museum devoted to the traditional wood-crafting knowledge of the Zafimaniry community (UNESCO Cultural Heritage of Humanity), which is typically Malagasy and could contribute to the promotion of handicrafts and tourism.
- Institutional capacity building (materials, training etc).

Strategic objective 3 - using IP for development, promoting innovation, research, creativity and technology transfer:

- Organisation and systemisation of technological information.
- Strengthening and optimising technological development assistance structures and mechanisms.

¹⁶⁷ Mali, Expanding and Diversifying Trade for Growth and Poverty Reduction: DTIS, 2004

- Identification of key technologies requiring priority (energy, climate change) and organisation of command groups.
- Human and material capacity building.
- Support for Chambers of Commerce and Industry in the IP area to promote innovation and creativity and speed up registration of patents with OMAPI.
- Information and awareness-raising for MSMEs on IP issues.
- Capacity building for craftsmen.
- Operational capacity building for administrative officials.

Strategic objective 4 - strengthening IP enforcement and regulation regime:

- Organisation of IP forums and events down to the grassroots level to reach out directly to the population and provide information.
- Set up of a coordinating structure in the form of a committee.
- Capacity building of all economic and social actors in their respective areas to fulfil role effectively.
- Training must be tailored to each group and an awareness campaign will need to be implemented.

Strategic objective 5 - strengthen health departments responsible for enforcing the regulations governing pharmaceutical and phytosanitary products:

- Assistance for health departments.
- Materials and equipment needed for the production of medicines.
- Capacity building on standardisation of control procedures for pharmaceutical, phytosanitary and veterinary products.
- Assistance for the body responsible for protecting inventions deriving from pharmaceutical and phytosanitary products.
- Training with a view to raise awareness of the harmful effects of counterfeit pharmaceutical products and medicines.

Strategic objective 6 - improvement of IP dispute management:

- Training on IP procedures, both national and international, as well as the management of IP conflicts between applicants and authors.
- Assistance for negotiations relating to the identification and repatriation of cultural goods on display in foreign museums.

Strategic objective 7 - enhanced regional and international cooperation:

- To strengthen cooperation and create a capital of leadership and knowledge technical assistance is needed along with material and financial support for WIPO meetings.
- Cultural events stand to develop relations with partner countries, promote culture and art as well as improving the copyright industry.
- Need to establish, in cooperation with Customs and public entities responsible for border control, some kind of regional cooperation in implementing a common procedure that complies with the TRIPS Agreement to fight piracy and counterfeiting in the region.

Madagascar's EIF DTIS (2003) notes that the highest priority should be granted to regional economic cooperation beyond trade preferences. Examples include matters related to customs and WTO agreements regarding standards and IP.

4.2 Ongoing and planned communication of needs by LDCs

Malawi

In a paper circulated during the November 2012 symposium, Malawi indicated that it needs to develop its own IP infrastructure and strengthen its financial and administrative capacities to encourage innovation and enforcement of IP. In relation to its priority needs that have to be captured through a needs communication process, Malawi outlined:

- The development of an IP policy.
- The formulation and strengthening of certain IP laws.
- The restructuring of the country's IP institutions.
- The realisation of IP related training and awareness raising programmes among policy makers.
- The strengthening of IP enforcement agencies.
- The promotion of use of IP as a development tool, contributing to technology transfer and the promotion of innovation and creativity.

Malawi's commitment to preserve its genetic resources and traditional knowledge means that the country also intends to develop IP related instruments for the regulation of the use of these resources.

Malawi indicated some key capacity and resource challenges in the preparation of its needs communication and the submission of the country's priority needs to the WTO TRIPS Council. However, there has been some assistance provided to Malawi for its IP oriented activities including:

- The World Bank has provided funding that is aimed at helping in the drafting of some laws. With this funding, Malawi should be able to develop a new law on Geographical Indications.
- WIPO has already supported the organisation of an IP forum in 2011 which included training on general IP issues to IP policy drafters.

Nepal

Nepal indicated during the 2012 symposium its intention to undertake its needs communication, potentially using the ICTSD/Saana 2007 toolkit as a tool in the process. Nepal indicated its current weaknesses in relation to its national IP system, which cut across such areas as:

- The legal and policy framework.
- IP administration.
- Enforcement of IP.
- Use of IP as a development tool.

From Nepal's perspective one key constraint the country faces within the framework of its plan to develop its needs communication and to mobilise technical and financial assistance is identifying potential co-operation partner(s) willing to support the realisation of the country's needs.

Nepal's lengthy legislative action plan suggests a number of areas where technical and financial assistance is required. Existing patent protection must be enhanced with capacity development included as a priority.

Nepal's EIF DTIS (2005) highlights that the country has requested the establishment of an enquiry point for non-agricultural products; the building of judicial capacity to handle IP disputes; public education campaigns on the commercial benefits of patents, geographical indications and the commercial value of traditional knowledge; and promotion of the private provision of IP legal services to SMEs.¹⁶⁸

Nepal's EIF DTIS Update (2010) notes the lack of awareness of IP protection among Nepalese producers and the need for building a culture of IPRs among business, government and legal professionals. A number of intervention areas have been identified, notably: ensuring the Industrial Property (IP) Act complies with the TRIPS Agreement; amending the IP Act to include collective and certification marks; adopting new legislation covering Traditional Knowledge (TK) and Geographical Indications (GI); establishing a semi-autonomous agency to consolidate enforcement of IP and copyright; creating a public database of patents; and creating fiscal incentives to encourage Nepalese firms to utilise IPR protections and develop IPR products and service.

Further areas for technical assistance, as outlined in the Nepal Action Matrix, focus on strengthening the technical capacity of domestic NTB and other business environment supportive institutions. Specific actions include: strengthening the capacity of current IP offices, including training of staff and equipment; developing relevant registration databases; launching awareness campaigns among businesses on the use of IP protection as a competitive advantage, including among exporters in NTIS export potential sectors; establishing GIs for several export commodities; and establishing an IP training institute to train users, regulators, creators, judges, lawyers, and all who work on IP issues.¹⁶⁹

Cambodia

Cambodia has not yet submitted its needs communication to the WTO TRIPS Council but in a document circulated during the 2012 symposium Cambodia indicated that since acceding to the WTO in 2004, the country has undertaken some actions in order to modernise its legal framework. These include the following:

- The adoption of regulations on procedures for the registration of industrial design and the grant of patent and utility model certificates in force since November 2006.
- The promulgation in 2006 of a sub-decree No 46 on the implementation of the 2002 Law on Trade Marks, Trade Names and Acts of Unfair Competition.
- The adoption of legislation on plant variety protection in 2008 as the Law on Seeds Management and Plant Breeders' Rights Protection.

Other bills are in the pipeline include the following:

¹⁶⁸ Nepal Trade and Competitiveness Study, Conducted as part of the integrated framework for trade related technical assistance, 2003

¹⁶⁹ Nepal Trade Integration Strategy 2010, Executive Summary and Action Matrix, Government of Nepal Ministry of Commerce and Supplies, 2010

- Bill on geographical indications.
- Bill on layout design of integrated circuit.
- Bill on the protection of undisclosed information and trade secrets.
- Bill on compulsory licensing for public health.
- Draft sub-decree on the establishment of collective management organisations.

As a member of WIPO, Cambodia plans to accede to key international treaties such as:

- The Protocol relating to the Madrid Agreement concerning the International Registration of Marks (accession expected by 2015).
- The Berne Convention for the Protection of Literary and Artistic Works related to Copyrights and Related Rights.
- The Patent Cooperation Treaty.
- The International Convention for the Protection of New Varieties of Plants (UPOV).

Despite these on-going and planned activities, Cambodia is conscious of the fact that there is a long way to go in order to modernise the country's IP regime. Based on this recognition Cambodia requires technical assistance in the following areas:

- Workshop on the Madrid Protocol to review and monitor the steps required to attain full membership.
- Need for a WIPO consultant mission for setting up the process of granting patents and the organisation of a workshop on this matter.
- Support for a study tour abroad to observe the process of registration and deposit of copyrights works and copyrights administration system.
- Drafting of the sub-decree on enforcement of IP rules for each of the agencies involved in IP enforcement.
- Training on the Berne Convention compared to the copyright law of Cambodia, and necessary actions for the preparation of Cambodia to accede to the convention.

Cambodia's EIF DTIS (2007) highlighted the importance of IPR enforcement to meet international obligations and project an image that strengthens credibility and competitiveness. Priority bottlenecks to be addressed are the establishment of a commercial court system and the need to strengthen human resources knowledgeable in IPRs issues and the development of intellectual property education at university level.

In addition, the EIF DTIS recognises the importance of identifying those areas of the Cambodian economy that would best benefit from IPR-based technology transfer; the need to focus efforts on developing a strong system of patents as well as join international conventions, such as the Patent Cooperation Treaty (PCT), to make it easier for Cambodian innovators and businesses to attract potential foreign investment and access information on technologies more easily.

Finally, the development of trademarks and geographical indications (GIs) are two areas requiring technical assistance, which could strengthen Cambodia's competitiveness in exports of potential products and services, including agricultural and handicraft product sectors such as rice, pepper, silk and others.¹⁷⁰

¹⁷⁰ Cambodia's Ministry of Commerce and UNDP Cambodia, *Cambodia's 2007 Trade Integration Strategy; Executive summary and action matrix*, 2007

Lesotho

Lesotho did not make a presentation or intervention at the 2012 WTO symposium. However, the EC Delegation at the 2012 symposium advised that Lesotho had submitted a request to the EU-ACP Multilateral Trading System Facility Programme Management Unit for assistance in carrying out a TRIPS-related needs assessment communication for technical and financial assistance. The request had been agreed by the Programme Management Unit and a consultant would be mobilised to undertake the assignment in Lesotho.

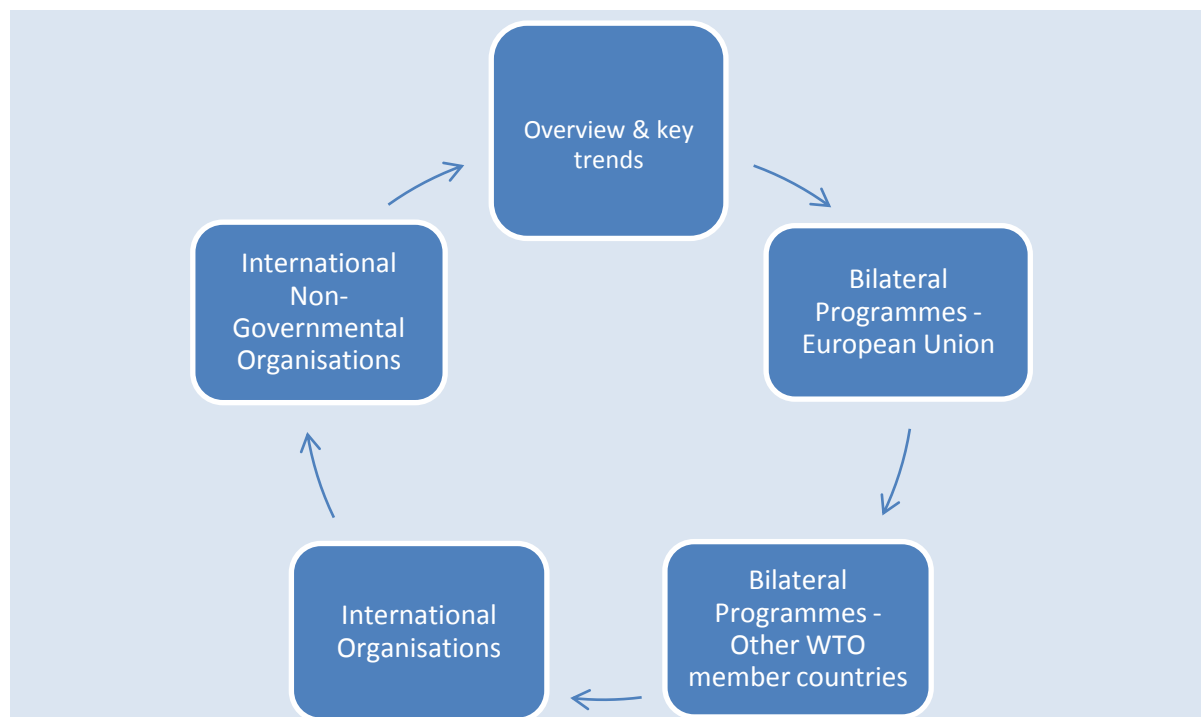
Lesotho's EIF DTIS (2003) and corresponding Action Matrix identifies deeper integration with South Africa's IPR regime through technical assistance in the form of training, legal expertise and support for administrative re-organisation.

The study recommends that Lesotho's government consider implementing the TRIPS Agreement through regulatory integration at the regional level, rather than attempting to implement it independently. Regional cooperation spreads the costs of administrative investments, allowing partners to take advantage of economies of scale in administering IPR protection. These facets are particularly relevant with regards to compulsory licenses on AIDS drugs, as every country in the region faces the same public health crisis and all stand to benefit from coordinated waivers of patent enforcement. This is especially true for smaller countries lacking a domestic pharmaceutical industry, such as Lesotho, and they must, therefore, find foreign firms willing to ship generic drugs under compulsory import licenses.¹⁷¹

¹⁷¹ Lesotho, *Diagnostic Trade Integration Study, Integrated Framework: Volume 1, Integration into the World Trading Environment*, 2003

5 TECHNICAL AND FINANCIAL CO-OPERATION PROGRAMMES FOR LDCS

Figure 2. Section 5 outline



5.1 Overview and key trends

This chapter draws mainly on information from annual notifications made under TRIPS Article 67 in the last 5 years as well as the summary analysis in Annex F and Annex G of this study.¹⁷² Annex F indicates whether or not each of the 33 LDC WTO member countries¹⁷³ has been explicitly stated as a direct beneficiary of technical assistance in Article 67 submissions by co-operation partners from the period 2008 to 2012.

Annex G details the reported direct assistance provided by each of the co-operation partners, (developed countries and IGOs) to the individual LDC WTO members from 2008 to 2012. The Article 67 matrices that accompany this report detail the origin and nature of the assistance received for each of the 33 LDC member countries with submission data. It must be noted that although a number of the LDCs were not reported as direct beneficiaries of technical assistance activities, they may have benefited indirectly from activities not reported here (e.g. LDC WTO members who are ARIPO member countries could have benefited indirectly from assistance provided directly to ARIPO on IP administration automation).¹⁷⁴

Based on this data, while recognising its limitations (relevant programmes that may not have been reported, and programmes that benefit more than one country), a number of key trends

¹⁷² As a supporting resource to this document, data for all annual notifications made under TRIPS Article 67 since 1995 have been compiled into matrices of technical assistance for each individual LDC members and submitted to the WTO. Where no specific references have been included in this section, the data source will be the matrices of technical assistance created by the Consultant.

¹⁷³ Lao PDR is not covered in Art. 67 submissions up to 2012 as it joined the WTO in 2013.

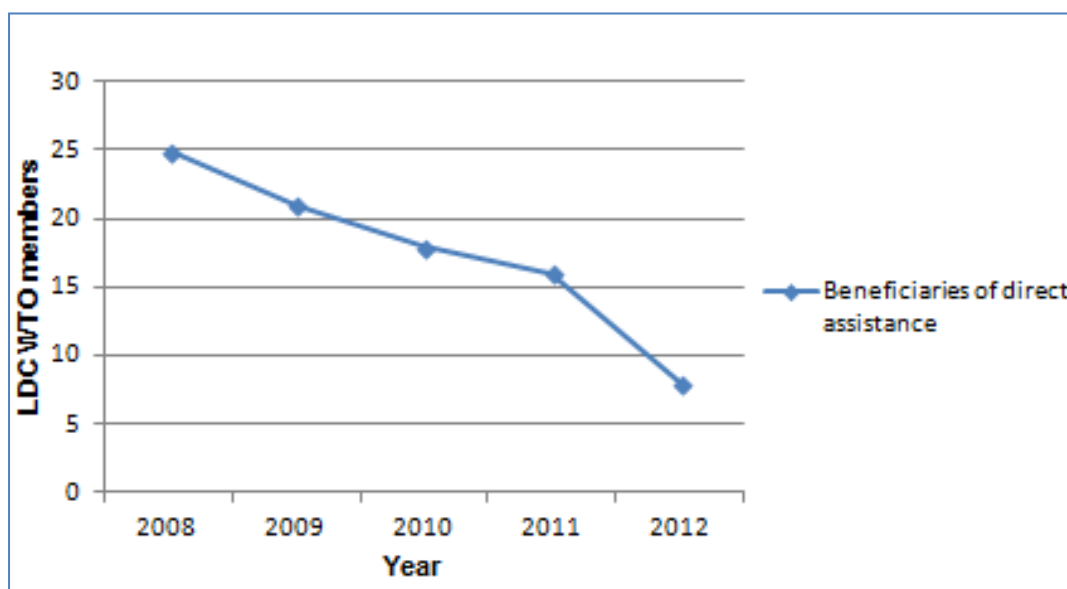
¹⁷⁴ Due to the limited time available for this study, we have not attempted to distinguish between or analyse the different types of technical assistance activities reported in Art. 67 submissions in terms of their thematic scope, value or the number of beneficiaries – where data on these variables is available.

can be highlighted regarding the overall provision of IP technical and financial assistance for the benefit of individual LDC WTO members over the period from 2008 to 2012:

- The number of LDC WTO member countries that have been explicitly stated as direct recipients of technical assistance under Article 67 submissions fell consistently over the period 2008-2012.
- The number of co-operation partners explicitly stated as providers of direct technical assistance fluctuated from 2008-2011 and dropped sharply in 2012.
- Of the 8 LDC WTO members that have so far submitted needs communications to the WTO TRIPS Council, it is not evident that there has been a marked increase in the number of activities or the scope of the individual technical assistance activities reported.

Of the 33 LDC WTO members, 25 were reported in Art. 67 submissions in 2008 as being direct beneficiaries of technical assistance. This number steadily decreased over the 5 years, with 21 LDC members being reported as direct beneficiaries of technical assistance in 2009, 18 in 2010, 16 in 2011 and only 8 countries in 2012¹⁷⁵, as shown in figure 3.

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



8 LDC WTO members were reported as direct beneficiaries of technical assistance in only 1 year of the 2008-2012 period.¹⁷⁶ Benin, Chad and Haiti were reported as not being direct beneficiaries of any technical assistance activities over the period. 5 LDC WTO members were explicitly reported as direct beneficiaries of technical assistance over the entire 5 year period, namely, Bangladesh, Cambodia, DR Congo, Tanzania and Uganda. A further 7 LDC members received assistance in 4 of the 5 years¹⁷⁷, with another 7 LDC members receiving assistance in 3 of the years in the 2008-2012 period.¹⁷⁸

Cambodia was reported most frequently as a direct beneficiary of technical assistance, with 25 activities reported from 2008-2012. Bangladesh was reported as a direct beneficiary of technical assistance in 14 cases, followed by Uganda (11 cases) and DR Congo (9 cases). Senegal, Tanzania and Zambia were reported as direct beneficiaries of technical assistance

¹⁷⁵ Bangladesh, Burkina Faso, Cambodia, DR Congo, Gambia, Tanzania, Uganda, and Vanuatu.

¹⁷⁶ Central African Republic, Djibouti, Guinea, Guinea Bissau, Mauritania, Niger, Sierra Leone, and Togo.

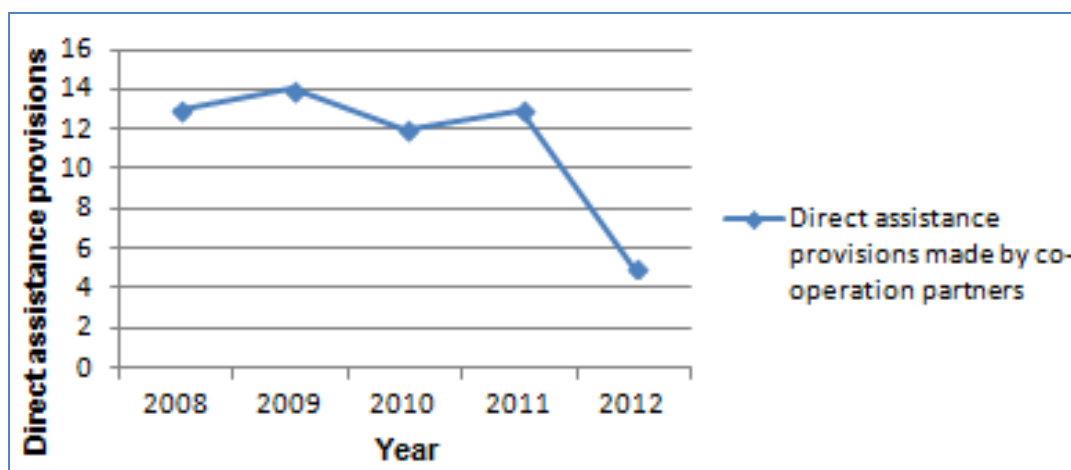
¹⁷⁷ Angola, Burkina Faso, Gambia, Mali, Nepal, Rwanda, and Vanuatu.

¹⁷⁸ Burundi, Lesotho, Madagascar, Malawi, Mozambique, Senegal and Zambia.

in 8 cases, and Angola, Mali, Mozambique, Myanmar and Nepal were reported as direct beneficiaries of technical assistance in 7 cases.

The number of co-operation partners (developed countries and international organisations) that reported provision of direct assistance to LDC members fluctuated considerably over the period 2008-2011 (see Figure 4). The number decreased rapidly from 2011 to 2012 with only 5 co-operation partners¹⁷⁹ reporting provision of direct assistance to LDC members. Interestingly, none of these 5 were international organisations.

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



From 2008-2012, WIPO reported the greatest total number of cases (23) where it had provided direct assistance to LDC members, followed by the EU (15 cases), United States of America (13 cases), Canada (9 cases) and UPOV (8 cases).¹⁸⁰ Several LDC members (eg Bangladesh, Cambodia, Lesotho, Malawi, Mali, Rwanda) were reported as direct beneficiaries of assistance from the same development partner consistently over a number of years in the period.

Of the 8 LDC members that have submitted needs communications to the WTO TRIPS Council to date, all were explicitly reported as direct beneficiaries of at least one case of direct technical assistance over the period 2008 to 2012. Of the 5 LDC members who were reported as direct beneficiaries of technical assistance in all years from 2008 to 2012, 3 had submitted needs communications (Uganda in 2007, Tanzania and Bangladesh in 2010). However, it is not evident that there has been a marked increase in the number of activities or the scope of the individual technical assistance activities reported subsequent to the needs communications submissions by each of the respective LDC WTO members.

Interestingly, Sierra Leone and Uganda, both of whom submitted needs assessments in 2007 and follow-up communications in 2008 have had very different experiences. Uganda has been reported as a frequent direct beneficiary of technical assistance (11 cases between 2008 and 2012). Conversely, Sierra Leone is reported as being a direct beneficiary of technical assistance in just one case (WIPO in 2010).

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

The following aspects are considered key in sequencing the implementation of an LDC's national IP programme:

An initial heavy emphasis on building the capacity of relevant Government agencies to take the lead in co-ordinating, implementing and monitoring projects and activities within the programme and the linkages to related Government policies and programmes.

¹⁷⁹ Australia, Belgium, Canada, Japan, and Switzerland

¹⁸⁰ Of the 25 direct beneficiaries, WIPO reported providing assistance to 17 in 2008 alone.

A medium-term, strategic common planning framework, with a gradual, patient level of sustained activity supported by the Government and its development partners over the programme period rather than a series of ad hoc events, peaks, troughs and interruptions.

A strong development focus to the programme, emphasising the need to involve a broad range of stakeholders from across government, the private sector and civil society and to gain their support for the protection of IPRs in the country by raising awareness and demonstrably contributing to national social and economic goals, building a sound and viable technological base and meeting international obligations.

Harmonised, predictable and transparent arrangements for programme funding, management and co-ordination by development partners, with emphasis on upgrading and utilising the Government's own public financial and procurement systems as far as possible.

Mechanisms for regular multi-partner joint reporting, review and evaluation of a common set of expected results, impacts and outcomes, as opposed to multiple discrete systems which place a heavy and unnecessary burden on the lead government agencies¹⁸¹.

5.2 Bilateral programmes – European Union

This section describes bilateral and regional programmes for technical and financial assistance by the European Union and certain of its individual member states benefitting LDCs, but only where there is significant information available. In addition to the activities of the European Commission, individual EU Member States have reported to the WTO on their national activities for the benefit of LDCs and a number of these are considered in turn below. The analysis is not intended to be exhaustive nor representative of the technical and financial assistance that the European Union has provided, and it does not include assistance provided to non-LDC members.¹⁸²

European Union

Like all development cooperation, the European Union's IP-related programmes are designed in response to the national and regional strategies of partner countries. Programmes can focus on TRIPS implementation (including advising on flexibilities under the agreement), assistance to national IP institutions and administration, and awareness-raising campaigns for potential rights holders. The EU has a number of channels through which IP-related technical and financial cooperation can be provided.¹⁸³

- For the 79 African, Caribbean and Pacific (ACP) countries, the European Development Fund (EDF) 10 (2008-2013) is ongoing and EDF XI (2014-2020) is currently under negotiation. LDCs from the ACP are invited to indicate their demand for assistance related to IP issues. The EDF X has national, regional and ACP-wide windows.
- LDCs outside of the ACP group (for example in South or South East Asia) can receive support from the Development Assistance Instrument (DAI), which again has national and regional windows.
- Three specific EU-funded programmes at the ACP-wide level- TradeCom, BizClim and ACP Multilateral Trading System (MTS) programme – have been used to meet requests for IP-related assistance for LDCs from ACP countries. A number of recent programmes have been carried out with LDC members as well as regional organisations.
- Funding for regional cooperation and economic integration in the context of the EU-ACP Economic Partnership Agreements can include assistance for IP issues. For

¹⁸¹ Identifying Priority Needs for Technical and Financial Cooperation to Implement the TRIPS Agreement, A Guidebook for LDCs, WTO, Forthcoming.

¹⁸² For example, Spain reports that its bilateral cooperation with developing countries on IP-related issues is focused on Latin American countries, and does not include LDCs to date.

¹⁸³ Delegation of the European Union, Art 67 submission, 2012

example, there is ongoing discussion around technical assistance to the EAC through the EPA framework.

- The EU has signed an MOU with ARIPO to provide technical assistance in law drafting, training and capacity building in the areas of GIs and plant variety protection.

In many cases, individual cooperation projects within EDF and DAI assistance frameworks have been delivered by international organisations. For example, the DAI instrument was used to finance a project delivered by WIPO for Bangladesh on modernising and administering the national IP system to meet Bangladesh's development objectives (2008 – 2011). In the past, the European Patent Office has played a significant role in delivering EU-funded technical co-operation for developing countries, often contributing co-finance to projects, and sometimes in collaboration with national IP offices of countries within the European Patent Organisation.

Finland

The National Board of Patents and Registration of Finland (PRH) provides capacity building to IP officials as well as state-of-the art search reports to several LDCs. In 2010, PRH held a training course on copyrights which included a participant from Tanzania. PRH held similar courses in 2006 and 2002 and these included participants from the Gambia, Malawi, Zambia and Nepal.

France

Through various national ministries and government agencies, France has provided a large number of training and twinning missions for officials from a number of LDCs. In 2011-2012, most of the training courses were bilateral programmes with non-LDC developing countries, but also included several courses for OAPI officials, a study visit on counterfeiting for Cambodian officials, and intensive training courses organised by the French Industrial Property Institute (INPI) and WIPO. In previous years, INPI has organised similar courses on trademarks and industrial design law, supported regional regulatory frameworks and provided field expertise for OAPI and hosted a seminar on IP issues around SME competitiveness.

Germany

Germany has provided support to LDCs on IP-related issues, with the main recent contribution being the support to the EAC Secretariat on the pharmaceutical sector. In 2008, the German Patent Office (DPMA) hosted an inter-regional seminar on Germany's patent examination system and organized a field visit for OAPI officials to the Federal Patent Court. Previously, Germany also hosted an e-learning course on the 'Flexibilities of the TRIPS Agreement' and provided short-term experts to Cambodia from DPMA.

Italy

Italy's main reported contribution to the European Union's IP-related technical co-operation for LDCs has been through the financing of scholarships for the Masters of Laws in Intellectual Properties offered by the University of Turin from 2003 to 2007. LDC participants have included Rwanda, Nepal, Cambodia and Myanmar.

Portugal

Portugal provides IP-related technical assistance to Portuguese-speaking developing countries (including LDC-members Angola, Guinea-Bissau and Mozambique). In 2011, the Portuguese Industrial Property Office (INPI PT) held an IP seminar in Macau and worked with the Africa Bureau of WIPO on cooperation with Portuguese-speaking African countries on coordinating technical assistance missions, including a two-week training course on patents, trademarks and documentation held in Portugal.¹⁸⁴

International cooperation on IP-related issues in previous years has included:

- Hosting a meeting with Portuguese-speaking countries on implementing a common trademark system in 2009.
- Participation from Angolan IP officials in an intensive two-week course on patents, trademarks and information/documentation in 2009.
- Forum on IP for Lusophone countries which included the establishment of an action plan in 2008.
- Launch of Lusophone Portal in 2007, a virtual forum all the Portuguese speaking countries and the main IOs in the field of industrial property and makes available, online and free of charge, the largest collection of patent documents in Portuguese language.
- Ministerial conference on IP for Portuguese-speaking countries to develop strategies to promote cooperation in the field of IP.

Sweden

In 2011 and 2012, the Swedish Patent and Registration Office (PRV), funded by SIDA and in cooperation with WIPO, has held several training courses for developing countries on IP and economic development. These training courses included over 25 LDC participants from Ethiopia, Bhutan, Bangladesh, Lao PDR, Cambodia, Sudan, Nepal, Uganda, Zambia, Burkina Faso, Burundi, Rwanda, Tanzania and Mozambique.¹⁸⁵ The Swedish patent office has held similar courses for LDC officials over the last decade, on topics from bio-safety and bio policy, copyright administration and industrial property information.

PRV holds three annual international training programmes financed by SIDA for which LDC officials can apply through the PRV website. These three programmes are:

- Copyright and related rights in the global economy.
- Intellectual property rights for LDCs.
- Industrial property rights in the global economy.

In addition, PRV offers the possibility of tailor-made training courses for topics not covered in these regular courses.¹⁸⁶

United Kingdom

The UK Intellectual Property Office (UKIPO) undertakes research on IP priorities of developing countries, including most recently a study on technology transfer incentives and an assessment of impact of technical assistance on IP related issues. A joint UKIPO- United

¹⁸⁴ Delegation of the European Union, Art 67 Submission, 2012

¹⁸⁵ Delegation of the European Union, Art 67 Submission, 2012

¹⁸⁶ Swedish Patent and Registration Office (PRV), 2013

States Patent and Trademark Office USPO conference in raising awareness of counterfeits and pirated products in the digital environment for Africa and China was undertaken in 2009.

In addition, the UK Department for International Development (DFID) and ICTSD have a £2.5 million Strategic Framework Agreement which aims to support IP policy design and formulation and enhance technology transfer in developing countries.¹⁸⁷ Prior to this agreement, DFID supported an IP technical assistance project in Sierra Leone, and provided financial support for the development of the ICSTD-Saana Consulting Needs Assessment Toolkit, including pilot projects in Sierra Leone and Uganda.

The UK-funded Light Years IP (LYIP) programme provides assistance to producers, exporters and governments to identify the value of intangibles and in turn analyse the export potential of goods and services. Since 2004, LYIP has conducted over 30 training courses and workshops across Africa for the producers of distinctive products, ranging from tea, honey, artistic work and cultural brands.¹⁸⁸

5.3 Bilateral programmes – other WTO member countries

This section describes bilateral programmes for technical and financial assistance by WTO member countries outside of the European Union where there is significant information available. The analysis is not exhaustive in terms of co-operation partners or activities.

Australia

Australia's involvement in IP technical and financial assistance has largely focused on the Asia-Pacific region, though the Government has recently announced the extension of its activities to Africa through cooperation with WIPO and ARIPO. In 2012, Australia signed a MOU with WIPO outlining the requested activities under its Funds-in-Trust, including support to the development of IP needs communications and the implementation of national IP strategies, assistance to LDCs in acceding and implementing WIPO treaties, and providing experts to work with IP offices on issues from human resources to IP automation. Australia also supports WIPO in funding training and workshops, as well as the Queensland University of Technology/WIPO Academy Masters of IP Law course.

In 2012, Australia signed a MOU with ARIPO on Industrial Property Cooperation. The MOU aims to build IP examiner capacity and facilitate the provision and exchange of information relating to IP training and quality standards.¹⁸⁹

Furthermore, Australia is developing an ongoing regional patent training programme to be delivered under the auspices of the Australian and New Zealand Free Trade Agreement and Environmental Change and Security Project (AANZFTA ECSP). The programme is expected to enhance patent examination standards in participating offices, and will provide in-depth patent examination training based on IP Australia's existing competency-based programme. For 2013, only Malaysia, Indonesia, and the Philippines are participating in the 2-year programme, but it is also open for ARIPO countries, through financial assistance of WIPO. For 2013-14, Australia contributed around \$1.3 million.

Previous support on IP-related issues has included support to Pacific countries on establishing a regional system for processing trademark applications, targeted capacity building programmes in cooperation with WIPO and broader financial support to the WTO Global Trust Fund.

¹⁸⁷ Swedish Patent and Registration Office (PRV), 2013

¹⁸⁸ Ghafele, R & Engel, J, *Intellectual Property Related Development Aid: Is supply aligned with demand?*, 2011

¹⁸⁹ Delegation of Australia to the WTO, Art 67 Submission, 2012

Canada

Canadian cooperation on IP-related issues is channelled through the Canadian International Development Agency (CIDA), Canadian Intellectual Property Office (CIPO), the International Development Research Centre, as well as several other government bodies for specific thematic areas (e.g. Health Canada for IP issues related to pharmaceuticals). CIDA runs or contributes to a number of programmes in LDCs which promote good governance and legal reform more broadly, for example the Legal Reform Programme in Bangladesh and the Democratic Institutions Programme in Ethiopia.

CIDA also contributes to a number of regional programmes in Africa, including several trade capacity building programmes run by the International Trade Centre (ITC) and United Nations Economic Commission for Africa (UNECA). CIPO provides an annual training course for nationals from across the developing world, and a delegate from Ethiopia participated in 2012. The office also supplies state-of-the-art searches and examination reports as requested by developing countries through WIPO. The IDRC conducts research on IP-related issues in developing countries and has a number of programmes which seek to provide technical assistance to developing countries, and those specific to LDCs include the following:

- Improving the Integration of Young African Researchers into Research and Innovation Systems (Burkina Faso, Cameroon, Senegal).
- Accessing Patented Knowledge for Innovation (Cameroon, China, Brazil, India, Philippines, Botswana, Tanzania)
- Fair Access to and Benefit Sharing of Genetic Resources: National Policy Development (China, Jordan, Nepal, Peru)
- African Copyright and Access to Knowledge Network (ACA2K) (Egypt, Ghana, Senegal, South Africa and Uganda)

CIPO and Health Canada have engaged in similar cooperation in previous years as well, including LDC participation in the annual CIPO-WIPO Executive Workshops in Canada. Canada has also committed CAD 2.5 million over the period 2009 – 2014 to the WTO DDGATF, which finances inter alia assistance related to the TRIPS Agreement for LDCs.

Canada encourages its LDC priority countries for development co-operation generally (Bangladesh, Tanzania and Senegal) to pursue any requests for support in IPRs through official channels set up by CIDA for priority countries of focus. Non-priority countries are encouraged to address requests for assistance to the relevant CIDA bilateral country programme where applicable.¹⁹⁰

Japan

Japan channels its official IP-related assistance for LDCs through three trust funds administered by intergovernmental agencies (WIPO and WCO) as well as technical cooperation through its development agency, Japan International Cooperation Agency (JICA).¹⁹¹ The WIPO Fund-in-Trust/Japan provides assistance in the industrial property area for developing countries in the Asia and Pacific region.¹⁹² The Fund provides for both

¹⁹⁰ Delegation of Canada to the WTO, Art 67 Submission, 2012

¹⁹¹ To avoid double counting, technical assistance activities for LDC WTO members supported by contributions to Trust Funds at WIPO and WCO by Japan and other WTO members are treated in this study as activities of WIPO and WCO. Data on these activities used in this report is therefore taken from reports provided to WTO TRIPS Council by WIPO and WCO, rather than the WTO member state making the financial contribution to the respective trust fund.

¹⁹² For more information, see Delegation of Japan, Complementary report on technical cooperation activities for LDCs: IP/C/W/572

technical and financial assistance, for example in advising and procuring equipment for digitisation of copyright records and long-term fellowships for government officials and IP professionals. This fund has provided assistance to Nepal, Bhutan, Cambodia, Lao and Myanmar.

The second WIPO fund which receives contributions from Japan is the WIPO Development Cooperation Programme for Africa & LDCs and Japan's involvement again is in the industrial property field. At the 2012 symposium, Japan stated that all its support to African countries for IP-related technical co-operation will be channelled through WIPO, given the lack of expertise and physical distance between Japan and Africa.

The third trust fund is the WCO Customs Cooperation Fund which Japan provides financing for technical assistance and capacity building activities.¹⁹³ Further, JICA hosts IP training programmes for foreign government officials, including the:

- WIPO High-Level Forum on Global Intellectual Property Infrastructure for Promotion of Innovation which include 100 senior officials from 50 IP offices worldwide in 2010.
- WIPO Study Programme on Effective Development and Utilisation of IP Assets which hosted 12 participants from 8 Asian and Pacific and 4 African countries in 2009.

New Zealand

New Zealand has undertaken technical cooperation activities at the multilateral, regional and bilateral levels. At the regional level, New Zealand participates in the Asia-Pacific Economic Cooperation Intellectual Property Rights Expert's Group (APEC-IPEG), which provides a forum for sharing information and best practices on IPR. New Zealand also participates in the ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA) IP Committee, which provides an avenue for regular discussions on a range of IP topics of mutual interest to the participants.

The primary New Zealand Government agencies that are involved in IP technical cooperation activities are the Ministry of Business, Innovation and Employment (MBIE), the Intellectual Property Office of New Zealand (IPONZ), and the Ministry of Foreign Affairs and Trade (MFAT). New Zealand also provides technical assistance to members of the East Asia Plant Variety Protection Forum.¹⁹⁴

In the past, New Zealand has provided technical assistance on IP-related issues in the Asia Pacific region. In 2010, IPONZ hosted a Senior Intellectual Property Officer from the Samoan Ministry of Commerce for a one-year period to provide training on the examination and processing of intellectual property rights. IPONZ has also provided support to the Secretariat of the Pacific Community on IP-related legislation and welcomes requests for technical assistance from LDCs.

Norway

Since 2000, the Norwegian Industrial Property Office, in collaboration with the WIPO Academy, organises an annual training course for up to 20 participants from partner organisations in developing and least developed countries.¹⁹⁵ In addition, Norway's bilateral development cooperation with Bangladesh has included a component on supporting local musicians protect their IPR.¹⁹⁶

¹⁹³ Delegation of Japan to the WTO, Art 67 Submission, 2012: IP/C/W/572

¹⁹⁴ Delegation of New Zealand to the WTO, Art 67 Submission, 2012

¹⁹⁵ Delegation of Norway to the WTO, Art 67 Submission, 2012

¹⁹⁶ Delegation of Norway to the WTO, Art 67 Submission, 2012

Switzerland

The Swiss Federal Institute of Intellectual Property works directly with WIPO and runs bilateral programmes with several developing countries, including most recently, two LDCs. In 2011, the institute provided experts to lecturers for several courses and provided free-of-charge patent searches for developing countries at the request of WIPO. In 2011, the Institute also implemented the Swiss-Lao Intellectual Property Project (LIPP) which organised two missions for Laotian IP policy makers and funded their participation in an IP summer programme.

In 2013, the Institute will launch the Bangladeshi-Swiss Intellectual Property Project (BSIP). This programme will provide support in a number of areas, including the development of a legal framework for traditional knowledge, traditional cultural expressions, geographical indications and modernisation of the IP system, in response to the needs communication submitted by Bangladesh to the WTO TRIPS Council in March 2010.¹⁹⁷

In past years, the Swiss IPI has provided support and expertise to a number of regional workshops on IP, including the joint OAPI-WIPO workshops held in Geneva.

United States of America

The US provides IPR technical assistance through a number of government ministries and agencies, including the US Copyright Office, US Trade Representative, US Trade and Development Agency, United States Agency for International Development (USAID) and the Departments of State, Commerce, Justice and Homeland Security. LDCs requests for assistance can address any area including training and capacity building, automation of the IP system (here the US reported at the 2012 symposium that it is favouring regional offices that deal with large numbers of applications for patents, trademarks, design etc. instead of national offices), legal drafting, and the use of IP as a development tool.

At the 2012 symposium, the US indicated that it does not support requests for technical or financial assistance in such areas like the protection of traditional knowledge or genetic resources. Examples of recent programmes which include participation from LDCs have included:¹⁹⁸

- Workshop for Malian Customs to Prevent the Entry of Counterfeit Goods Seminar on Fighting Counterfeiting and Piracy (Burkina Faso, Nigeria and Togo)
- Geographical Indications: Providing Protection through a Trademark System (West Africa)
- IPR Policy Dialogue and Technical Workshop (Nepal)
- Workshop on Trademark Examination (Cambodia and Nepal)
- Regional Roundtable - Advanced Judicial Seminar on IP Enforcement (included Cambodia and Lao PDR)

Similarly, in previous years the US has organised numerous workshops, training courses and study tours on TRIPS, IP enforcement, trademark examination, plant variety protection and other IP-related issues for policymakers, judges and other officials from developing countries and LDCs. A few illustrative examples include:

- A workshop for 150 customs officials and prosecutors from French-speaking West Africa on 'at the border implementation' of IPR in 2010.

¹⁹⁷ Delegation of Switzerland to the WTO, Art 67 Submission, 2012

¹⁹⁸ Delegation of the United States to the WTO, Art 67 Submission, 2012

- USPTO-WIPO 5-day programme on the enforcement of IP in 2009.
- Enforcement workshop on combating counterfeiting within the Southern African Development Community (SADC) in 2008.
- Two-year training programme for ASEAN customs and border officials focused on building IPR enforcement units in 2007.
- Visiting scholars programme for government officials for an overview of the US patent and trademark examination system in 2006.

South-South programmes

There is an increasing awareness among policymakers of the importance of South-South cooperation and experience-sharing on IP-related issues. In August 2012, WIPO and the Government of Brazil organised the First Inter-Regional Meeting on South-South Cooperation on IP as part of the WIPO project on 'Enhancing South-South Cooperation'. The meeting focused on experience-sharing and exploring and identifying areas for increased cooperation in traditional and local knowledge and will be followed up by the second meeting planned for Egypt in spring 2013 which will focus on patents, trademarks, industrial designs, geographical indications, and enforcement. WIPO also launched the First Annual Conference on South-South Cooperation on IP and Development in Geneva in September 2012 to review the outcomes of the Brazil meeting and help guide future meetings.¹⁹⁹

Considering more concrete cooperation activities, there have been some recent cooperation programmes involving developing countries assisting LDCs, though these programmes still appear to be few in number. The Brazilian Cooperation Agency, for example, has worked closely with the Mozambican Drug Regulatory Authority to build regulatory capacity.²⁰⁰

The Korean Intellectual Property Office (KIPO)-Korean Invention Promotion Association (KIPA) 'One Village One Brand'-project was established to facilitate sustainable economic growth in LDCs and developing countries, worldwide. KIPO-KIPA is working with developing countries and LDCs to develop their brands and market strategies to establish effective protection of their brands through the use of IPR tools. This should contribute to an increase in export revenues, ultimately leading to improvements in standard of living.

Once a country or community is selected, an IP professional and branding expert is dispatched to assist in the development of brands and products, formulate market strategies, and provide seminars and other educational materials to fully equip the LDCs with the knowledge and capacity to obtain the maximum benefit from their products.

5.4 International organisations

African Regional Intellectual Property Office

Each year, ARIPO offers numerous training courses on a variety of topics from plant variety protection, to trademark legislation and enforcement and technology transfer. ARIPO, in partnership with the Africa University and WIPO, with financing from JICA, has offered the Masters in Intellectual Property (MIP) programme since 2007.

¹⁹⁹ WIPO, First Annual Conference on South-South Collaboration on Intellectual Property and Development, 2012

²⁰⁰ Ghafele, R & Englel, J, *Intellectual Property Related Development Aid: Is supply aligned with demand?*, 2011

European Patent Office

The European Patent Office (EPO) supports developing countries with conferences, study visits and expert assistance on a number of IP-related issues, from legislation and legal procedure to modernisation of IP systems. In 2011 and 2012, EPO organised a number of regional conferences for the ASEAN region, which includes several LDCs. However, there appears to have been little technical co-operation by the EPO with African LDCs on IP-related issues.²⁰¹ In previous years, EPO has organised a number of expert missions and training courses for Cambodian officials (including through ECAP II).

Food & Agricultural Organisation

According to the 2012 submission to the TRIPS Council, the FAO does not have any on-going activities related to IPR in LDCs. In 2009, the FAO concluded a training programme in Bangladesh on the formulation of enabling regulatory measures for biotechnology research and application.

From 2008 to 2010, the FAO provided assistance in drafting of legislation of plant variety rights to Madagascar.²⁰² In 2001, FAO organised several workshops in Africa to promote awareness and support in implementation. Also, the FAO has published several papers on IPR and food production, plant varieties and genetic resources over the last decade.

Organisation for Economic Cooperation and Development

The Organisation for Economic Cooperation and Development (OECD) carries out research and policy dialogue on a number of aspects related to IPR in LDCs. The 2010 Innovation Strategy report resulted in a number of follow-up activities, including work on identifying best practices of national IPR systems in supporting development objectives in low and middle-income countries.

The OECD also has on-going research on IPR and the environment which considers technology transfer and other issues pertinent to the TRIPS Agreement, and is working with WIPO and other national organisations on the development of a patent statistics database.²⁰³

Organisation Africaine Propriété Intellectuelle

OAPI, often in partnership with WIPO and INPI, provides training courses and workshops across the region on IP and development related issues.

Furthermore, OAPI has a fund for supporting innovation among researchers and the private sector. The USD 2 million (FCFA 1 billion) Fund for the Promotion of Invention and Innovation (FAPI) provides debt, grant and equity financing for eligible SMEs and inventors to encourage innovation and patent protection of these innovations.²⁰⁴

²⁰¹ Delegation of the European Union, Art 67 Submission, 2012

²⁰² FAO, 2012: <http://www.fao.org/docrep/003/x7355e/x7355e08.htm>

²⁰³ OECD, Art 67 Submission, 2012

²⁰⁴ Interview with Director General of the African Intellectual Property Organisation: http://www.wipo.int/sme/en/documents/oapi_interview.htm

United Nations Conference on Trade and Development

UNCTAD's cooperation with LDCs on IP related cooperation is guided broadly by the Development Dimension of Intellectual Property (DDIP) programme which provides needs communications, technical advice and training and capacity building.²⁰⁵

Upon request by a developing or least developed country, UNCTAD is producing DDIP reports which examine the country's policy, legal and institutional framework for IPRs and based on this analysis, present a set of medium to long-term recommendations on ways to strengthen these frameworks, and promote innovation and technology transfer from abroad, as well as a pro-competitive and transparent domestic IP system.

Examples of recent areas of support through the DDIP framework include access to medicine and technology transfer (Uganda), IP policy development and implementation strategy formulation (Rwanda) and copyright protection (Cambodia). Through this programme, UNCTAD has also published reference guides for LDC policymakers on issues such as stimulating local pharmaceutical production, and held training courses to provide further support on these issues.²⁰⁶ In 2010, UNCTAD provided support for preparing Rwanda's communication of priority needs for technical and financial cooperation for submission to the WTO TRIPS Council (see Section 4).

Previously, The UNCTAD-ICTSD Capacity Building Project on Intellectual Property Rights and Sustainable Development provided research tools and publications aimed at improving the understanding of the development implications of the TRIPS Agreement and strengthening the analytical and negotiating capacity of developing countries so that they are better able to participate in IPR-related negotiations.

In 2008 and 2009, UNCTAD held training courses for ASEAN and African government officials, respectively, with the aim of familiarising participants with the tools available under the TRIPS Agreement to better align their IP regimes with national health objectives. In 2007, UNCTAD also assisted several developing countries (including Tanzania) in the preparation of country reports on the national IP and investment regimes of selected developing countries, which include detailed policy recommendations to facilitate the establishment of local pharmaceutical production and supply capacity.

International Union for the Protection of New Varieties of Plants

The main objectives of International Union for the Protection of New Varieties of Plants (UPOV) are, in accordance with the UPOV Convention, to: i) provide and develop the legal, administrative and technical basis for international cooperation in plant variety protection; ii) assist States and organisations in the development of legislation and the implementation of an effective plant variety protection system; and iii) enhance public awareness and understanding of the UPOV system of plant variety protection.²⁰⁷

UPOV's work with LDCs is mostly through national and regional awareness building and informational workshops on plant variety protection through legislation and enforcement and setting up the relevant institutional infrastructure. These seminars seek to create awareness of the economic potential in developing national and regional legislation for the protection of new varieties of plants, share experiences with countries that have established plant variety protection systems, and carry out an explanatory assessment of the status of plant variety protection systems. UPOV also organises distance-learning courses on similar issues for

²⁰⁵ UCTAD, Art 67 Submission, 2012

²⁰⁶ UNCTAD, Art 67 Submission, 2012

²⁰⁷ UPOV, Art 67 Submission, 2012

developing countries, including several introductory courses on plant variety protection under the UPOC convention.

In 2010 and 2011, UPOV organised a number of training workshops on plant variety protection for LDCs, including a distance learning introductory course to the UPOV Convention. In addition, UPOV provided comments in drafting of laws associated with the 1991 UPOV convention to a number of LDCs, including Cambodia, Tanzania and Zambia, as well as ARIPO.²⁰⁸

As of December 2012, 10 of the 34 LDC WTO members were represented in the UPOV Council as official observers.²⁰⁹

South Centre

The South Centre is an intergovernmental organisation comprising 52 developing countries, including a number of LDCs. Based in Geneva, it was established to provide policy advice to developing countries and to contribute to south-wide collaboration in promoting common interests and coordinated participation by developing countries in international forums dealing with South–South and North–South matters. The South Centre undertakes research and policy analysis; policy advice; and capacity-building and training. The Centre's programme on Innovation and Access to Knowledge deals with a range of intellectual property issues, such as IP, innovation and access to pharmaceutical products, including providing training in this area. The South Centre provides policy advice in order to meet its objective of assisting developing country governments in decision-making with respect to standard-setting and rule-making, for instance in relation to IP and access to pharmaceutical products. The Centre also provides analysis of the main international treaties and ongoing international negotiations relating to intellectual property issues.

World Bank

Over the last decade, the World Bank has published a number of research papers examining IP issues related to developing and least developed countries. Most recently, in 2010, the Bank published a 400-page guidebook for innovation policy, which included a significant focus on IPR for emerging developing countries and LDCs.

In 2012, the World Bank published research looking at different IP monetisation strategies in developing countries, though the focus was on more advanced, emerging economies rather than LDCs.

World Customs Organisation

The WCO undertakes technical cooperation and capacity building in support of anti-counterfeiting and anti-smuggling. The 'Information Repository of Legislation on Border Measures for Counterfeiting and Piracy' provides among other things, a list of current IP legislation for border measures and contact points for the relevant customs units and the private sector. The WCO is engaged in expanding the use of the Interface Public-Members (IMP) tool to strengthen the operational capacity of customs officers via improved communications between customs bodies and IP rights holders (currently 44 member administrations are using the tool, although the number of LDCs is not specified).

In 2011 and 2012, the WCO held a number of national and regional training seminars as well as diagnostic missions and operational exercises which included a number of LDCs. In

²⁰⁸ UPOV, Art 67 Submission, 2012

²⁰⁹ UPOV, Art 67 Submission, 2012

July 2012, the “Operation VICE GRIPS 2” included 16 countries from across Sub-Saharan Africa. The WCO maintains a pool of accredited anti-counterfeiting and piracy experts available to support in training and capacity building.²¹⁰ Since 2009, the WCO has conducted diagnostic missions to several LDCs, including Burkina Faso (2011), Cambodia (2009) and Senegal (2009).

World Health Organisation

The ‘Global strategy and plan of action on public health, innovation and intellectual property’ was adopted by the World Health Assembly in 2008. This resolution set up an expert working group, which recommended further action, and funding (including setting up pooled funds and a more open approach) to innovation and R&D. The 2012 Assembly presented a prototype of a Global Platform for Innovation and Access which would support the standardisation of information across member states to better understand the IP frameworks from a public health perspective.²¹¹

In conjunction with UNCTAD and ICTSD, the WHO is leading a EU-funded project on local production of medical products in developing countries. This project includes country-based analysis tools, training and capacity building for both government regulators and local producers. At the regional level, WHO offices carried out a number of workshops in 2012, including a workshop on traditional medicine research and development which included sharing of country experiences on IPR by the WHO Africa regional office and several workshops by the SEA regional office which included IPR and TRIPS aspects. Through its regional and country offices, the WHO can provide, upon request, direct country support in policy making and management of IP, including on patent legislation and incorporating TRIPS flexibilities with domestic legislation.²¹²

In previous years, WHO has held regional workshops on IPR-related health and healthcare issues in Asia, the Pacific and Africa, through its regional country offices and partners such as United Nations Development Programme (UNDP), the Economic Community of West African States (ECOWAS), SADC and the University of Cape Town. Specific topics have included legislation to facilitate access to essential medicines, stimulating local production of pharmaceuticals and the development and health aspects of the TRIPS Agreement.

World Intellectual Property Organisation

WIPO supports LDCs in developing and implementing strategies and policies aimed at creating, protecting, managing and exploiting IP for economic, social and cultural development. WIPO has strengthened its assistance to help countries in integrating IP into overall national development and public policy in areas such as health, trade, education, research, technology transfer and competition policies, including advising countries on the flexibilities available under international IP treaties, and in particular the TRIPS Agreement.²¹³

The WIPO Development Agenda, launched in 2007, aims to ensure that development considerations form an integral part of WIPO’s work. The Agenda is focused around 45 recommendations to enhance the development dimension of the Organisation’s activities. The recommendations are divided into six clusters:

- Cluster A: Technical assistance and capacity building.

²¹⁰ WCO, Art 67 Submission, 2012

²¹¹ WTO, Technical Cooperation Activities: Information from other Inter governmental organisations , WHO, 2012

²¹² WHO, Art 67 Submission, 2012

²¹³ WIPO, World Intellectual Property Report : The changing face of innovation, 2011

- Cluster B: Norm-setting, flexibilities, public policy and public domain.
- Cluster C: Technology transfer, information and communication technologies (ICT) and access to knowledge.
- Cluster D: Assessment, evaluation and impact studies.
- Cluster E: Institutional matters including mandate and governance.
- Cluster F: Other Issues.

In addition to the adoption of the WIPO Development Agenda, Member States also approved a recommendation to establish a Committee on Development and Intellectual Property (CDIP).²¹⁴

The 2011 Istanbul Declaration and Programme of Action for LDCs for 2011-2020 and the WIPO Development Agenda guide financial and technical cooperation. WIPO activities are demand-driven and can be financed whether through its own resources or through cooperative agreements with other organisations and co-operation partners. WIPO activities with LDCs include the following (see Text box 1 for case studies of activities in Uganda and Cambodia in 2012):²¹⁵

- Training in awareness-building and human resources development for IP officials in LDCs.
- Assistance in building up or upgrading IP offices in LDCs with adequate institutional infrastructure and resources, qualified staff, modern management techniques and access to information technology support systems.
- Advisory missions to the IP offices in LDCs to give advice on modernising management systems and streamlining administrative procedures.
- Sponsoring study visits for officials from the LDCs.
- Organising study tours for officials from many LDCs to offices in industrialised countries to study various aspects of modernisation.
- Assisting LDCs on legislation in the areas of industrial property, copyright and neighbouring rights and GIs and enabling LDCs to assess the conformity of their existing national legislation vis-à-vis the provisions of international agreements and build national IP organisations and institutions.
- Advising in the setting-up or strengthening of collective management societies in the LDCs.
- Organising, in close cooperation with other international organisations, national, regional and interregional meetings for the LDCs on integrating IP into national development policy.
- Assisting LDCs in the establishment of Intellectual Property Advisory Services and Information Centre.

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

WIPO and Uganda

Uganda has been involved in 19 meetings/programmes organised by WIPO on technical assistance over the year 2012. These events were in the fields of IP, development, copyright, innovations and judiciary. Notably, WIPO organised a mission to Uganda for the implementation of the Development Agenda project on IP and product branding for Business Development in Developing and LDCs. This mission consisted of consultations with

²¹⁴ WIPO Development Agenda: <http://www.wipo.int/ip-development/en/agenda/>

²¹⁵ Summary of WIPO Technical Assistance for Least Developed Countries: http://www.wipo.int/lDCs/en/ip/tech_assistance.html

the stakeholders of the cotton, vanilla and sesame sectors on implementing and developing IP strategies in this field, including a discussion on progress and future steps in the implementation of the branding strategies in these strategic sectors.

Furthermore, WIPO organised an IPAS follow-up mission to improve the functionality of IP offices through automation. Uganda also attended meetings and training courses both in the region and globally, including a WIPO training program for Technological Capacity building and the Establishment of the Technology and Innovation Support Centres (TISCs), and meetings with the Regional Bureau For Africa in the fields of IP and development.²¹⁶

WIPO and Cambodia

Cambodia has been involved in 27 programmes organised by WIPO in 2012. WIPO organised a deployment mission on the upgrade of WIPO IPAS systems, to provide users and administrators training on a new version of IPAS and an advisory mission to develop a Collective Management Office in Cambodia. The Ad-Hoc Committee sent out a request for WIPO's further guidance to finalize the draft of articles of association relating to the formation and legal structure of a multi-rights society and other issues related to it.

In addition, Cambodia organised and attended several meetings, for example a meeting on the Establishment of Technology and Innovation Support Centre and Skills Development and Training program, and meetings about the role of innovation and creativity for technological capacity building, Economic growth and Development. Cambodia was also involved in programmes on further improving IP rights in the Global Economy for LDC.²¹⁷

WTO and Enhanced Integrated Framework

The WTO Secretariat works with LDCs on a number of IP-related issues, including through the hosting of seminars and its Guidebook (see relevant sections of Annex A for overview of workshops since 2009 as well as the guidebook). The WTO website provides a variety of technical manuals and important information for LDCs on the various aspects of international agreements related to IP.²¹⁸

The WTO cooperates closely with WIPO on practical capacity building on IP-related issues, including with the annual joint WIPO-WTO Colloquium for Teachers of Intellectual Property, which has provided training to nearly 200 practitioners from both developed and developing countries over the last nine years.²¹⁹

In addition, the Enhanced Integrated Framework (EIF), a multi-donor programme housed at the WTO, which aims to reduce supply-side constraints to trade in LDCs and to support their integration into the global economy, can finance IP-related diagnostics and interventions. The EIF funds trade diagnostics for LDCs, which in some cases include an analysis of IP-related needs. Currently, the EIF has ten to twelve DTIS updates underway, undertaken by international organisations such as the World Bank and UNDP. Several previous DTIS updates, such as Nepal's in 2010, identified a number of areas for intervention related to IP, from ensuring national legislation complies with TRIPS to establishing new IP enforcement mechanisms.

The EIF also funds projects specifically targeted to alleviate supply-side constraints. These Tier 2 projects often focus on specific productive sectors, but can also be targeted towards support to customs or other government agencies. Some examples of assistance that could be provided include:

- Studies, e.g. needs communications or any other/s specific study/analytical work within context of TRIPS negotiations/implementation that would be required.
- Interventions to facilitate country positioning for negotiations.

²¹⁶ World Intellectual Property Organisation: www.wipo.int

²¹⁷ Ibid

²¹⁸ Documentation used in technical cooperation activities of the WTO's Intellectual Property Division: http://www.wto.org/english/tratop_e/trips_e/ta_docs_e.htm

²¹⁹ WIPO-WTO, Colloquium for Teachers of Intellectual Property, 2011

- Workshop and short-term training to raise awareness on TRIPS negotiating/implementation issues, enhancing negotiating/implementation skills.
- Interventions to address regulatory or administrative needs.
- Seed-projects with a view to mobilising additional resources.

Trilateral Cooperation WHO-WIPO-WTO

The trilateral cooperation initiative between the WHO, WIPO and WTO aims to strengthen technical cooperation and practical coordination on issues around public health, IP and trade, with a focus on providing better coordinated technical assistance on issues associated with medical innovation and access to medical technologies. The WHO Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property, the WIPO Development Agenda and the WTO Declaration on the TRIPS Agreement and Public Health provide the broader context for an informal and practical trilateral cooperation at the working level.²²⁰ The trilateral cooperation is intended to contribute to enhancing the empirical and factual information basis for policy makers and supporting them in addressing public health in relation to IP and trade.

As part of the trilateral cooperation, a study on Promoting Access to Medical Technologies and Innovation has been conducted, which intends to inform ongoing technical cooperation activities currently being undertaken by the three organisations, as well as providing support to policy discussions. This study has emerged from the shift in focus of the health policy debate, encompassing the promotion of innovation to ensure equitable access to medical technologies and seeks to reinforce the understanding of the interplay between health, trade and intellectual property, determining how they affect medical innovation and access.²²¹ The study serves as a platform for ongoing technical cooperation, with specific materials on the practical use of more recently introduced TRIPS flexibilities for public health.

5.5 International Non-Governmental Organisations

A number of international NGOs, IGOs and think-tanks have provided IP technical assistance to LDC members in the past (e.g. ICTSD, Oxfam & Médecins Sans Frontières). NGOs engaged in technical assistance activities have tended to focus on ensuring that IPRs do not limit access to medicines and on supporting the negotiation capacity of developing countries and LDCs in international fora such as WTO and WIPO.

International Centre for Trade and Sustainable Development

ICTSD has worked with several LDCs members to conduct their needs communications, and has received funding from the UK Department for International Development for this purpose. Further, under the joint UNCTAD-ICTSD Project on IPRs and Sustainable Development, UNCTAD is producing, upon request by a developing country or least-developed country, a number of reports on the development dimensions of intellectual property. The objective of such a report is to examine developing countries' and LDCs' policy, legal and institutional framework for IPRs, particularly as it relates to important development objectives such as innovation, technology, investment, competition, education and health. In addition, these reports will take into consideration the bilateral, regional and international commitments the target countries have entered into and the flexibilities available to them.

²²⁰ WIPO-WHO-WTO Trilateral Cooperation on Public Health, Intellectual Property and Trade:

http://www.wto.org/english/tratop_e/trips_e/who_wipo_wto_e.htm

²²¹ WHO Public Health, Innovation, Intellectual Property and Trade:
http://www.who.int/phi/implementation/trilateral_cooperation/en/index.html

The ICTSD Programme on Innovation, Technology and Intellectual Property promotes the use and management of knowledge and technology conducive to sustainable development, in the context of balanced and development oriented IP regimes. Programmatic activities focus on facilitating pro-development and pro-competitive outcomes in international trade and IP related negotiations; helping to implement IP norms that balance private rights and public interests; maximising incentives for innovation, creativity and technology transfer to developing countries; and promoting greater integration between IP, technology transfer, foreign direct investment and competition policies.

Light Years IP

Light Years IP is a non-profit organisation dedicated to alleviating poverty by assisting developing country producers gain ownership of their IP and to use the IP to increase their export income and improve the security of that income. Light Years IP assists producers, exporters, and governments in the developing world to analyse their export potential with respect to identifying the value of intangibles and then using IP tools, such as patents, trademarks and licenses, to secure more sustained and higher export income.

Light Years IP has had some successful projects with LDCs. In collaboration with the Ethiopian Government, it designed and managed the Ethiopian Fine Coffee Trademarking and Licensing Initiative. Under the initiative, Ethiopia took a degree of control over the distribution of three of Ethiopia's finest coffees (Yirgacheffe, Harar and Sidamo), through successful trademarking and licensing a large number of distributors (120 licensees to date). This control over distribution radically changed the Ethiopian fine coffee stakeholders' negotiating position so they are no longer subject to commodity market fluctuations or domination by foreign buyers. The much stronger negotiating position led to the published \$100m additional export income in the year to June 2008 and those gains have persisted to the present date.

The African IP Trust (AIPT) was created by Light Years IP to support African stakeholders with Intellectual Property Value Capture strategies and to uphold African IP rights when those rights are exploited. The African IP Trust is to act as a support lobby to assist African farmers and producers receive higher and more secure income.

Public Interest Intellectual Property Advisors

Public Interest Intellectual Property Advisors (PIIPA) was the first provider of pro bono IP legal advisory services to developing countries. It was established as an independent international service and referral organisation that can help fill the need for assistance in developing countries by making the know-how of intellectual property professionals available to them.

PIIPA's main activities include:

- Operating a matchmaking service where assistance seekers can apply to find individual volunteers or teams who can provide advice and representation on IP matters.
- Expanding a worldwide network of IP professional volunteers - the IP Corps - to provide pro bono services.
- Maintaining an online resource centre with information for professionals, students, and those seeking assistance.

Some key services the IP Corps can offer include:

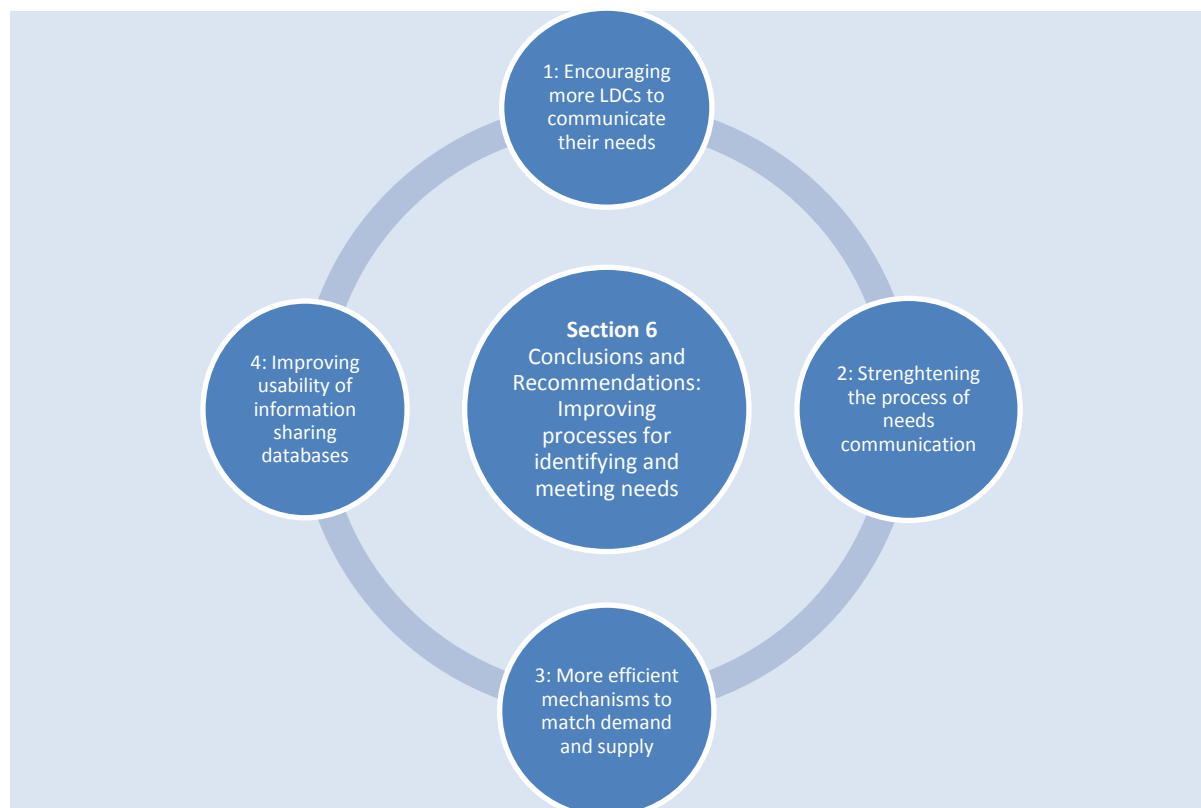
- Negotiation of access and benefit-sharing agreements in relation to genetic resources and associated traditional knowledge.
- Resolution of national, international and multinational disputes involving IP.
- Negotiation of agreements facilitating access to medicines.
- Drafting or review of legislation involving IP protection, e.g. in relation to genetic resources, traditional knowledge, and access to medicines.
- Dispute resolution on matters involving intellectual property rights and indigenous rights.
- Patent application, licensing, challenge and invalidation.

PIIPA works in the following technical areas:

- Agricultural Technology
- Biodiversity/Genetic Resources
- Traditional Knowledge
- Health Care
- Environment
- Information Technology
- Science and Technology

6 CONCLUSIONS & RECOMMENDATIONS

Figure 5. Section 6 outline



6.1 Encouraging more LDCs to communicate their needs

The communication of LDCs' needs following the TRIPS Council decision in November 2005 has emerged as a valuable tool for specifying and communicating requirements for technical and financial assistance, and for describing the state of play with national IP systems. Perhaps above all, their greatest value is the fact that they are fully owned by the LDC member and express the country's individual requirements and priorities. The needs communicated so far, as well as the various toolkits produced by development partners, provide a very useful resource for other LDC members to follow in preparing and submitting their own needs communications to the TRIPS Council.

LDC members that have not yet communicated their needs to the TRIPS Council should consider doing so. LDC members can undertake the identification of needs themselves, drawing on the available models and toolkits (as in the case of Bangladesh for example); or they can request support from a development partner (as in the case of Uganda, Sierra Leone and Lesotho). As highlighted during the November 2012 symposium, this could take the form of a number of communications that can be submitted to the TRIPS Council in a thematically sequenced fashion. LDCs members who have already communicated their needs to the TRIPS Council may also wish to update these over time, reflecting new priorities or highlighting where existing needs have not been met.

Furthermore, the needs communication process is about communicating needs and thus not necessarily undertaking a separate, stand-alone needs assessment. In many cases, the relevant work has already been done in other contexts and the TRIPS Council process simply provides an additional arena where information about unmet priority needs can be circulated and responded to. The Senegal needs communication from 2011 is an example of

this as it was based on an existing assessment prepared by WIPO that was subsequently circulated to the WTO Council for TRIPS.

6.2 Strengthening the process of needs communication

The TRIPS Council processes for communicating and responding to needs could be strengthened and better co-ordinated with related initiatives. Mechanisms to effectively incorporate the increasing regionalisation of IP systems involving LDCs would be one important area to address - and specifically, consideration could be given to undertaking identification of needs at a regional level. For example, for OAPI and ARIPO members, administrative systems for industrial property administration have been established at the regional level and several co-operation partners are willing to channel financial and technical co-operation to them. However, only national-level identification of needs have so far been presented to the TRIPS Council and these do not cover the regional organisations or all of their LDC members.

There is also a need to more effectively and systematically co-ordinate the efforts of the TRIPS Council process with the identification of IP-related capacity building needs in other processes such as WIPO's support for the preparation of national IP and innovation strategies, the updating of EIF Diagnostic Trade Integration Studies, and the WTO Trade Policy Reviews, where coverage could be much more consistent and comprehensive, based around the five dimensions of national IP systems considered in this paper for example.

With regards to WTO Trade Policy Reviews specifically, the WTO Biennial Technical Assistance and Training Plan 2012-2013 points to the benefits of greater coordination of technical assistance needs and priorities with the TPR process, which represents a potentially valuable avenue for advancing and improving the coordination of needs assessments in the area of trade-related IP. These reviews can also draw on the needs identified in the EIF DTIS process, which, as noted above, do in some cases include needs that require effective implementation of IP mechanisms.

The WTO Institute for Training and Technical Cooperation (ITTC) and Trade Policies Review Division (TPRD) have elaborated a methodology to use TPRs more systematically as a tool for needs communications. Through the participation of officials from these units of the WTO Secretariat in Trade Policy Review missions, LDC members that undergo the review are specifically to be assisted in undertaking needs communications. In addition, the Secretariat will endeavour to organise briefing sessions following the reviews, to engage directly with the LDC member delegation in reviewing their trade-related technical assistance needs and establishing a road map for action.²²²

Future TPRs of LDC member countries identified in this report may provide the opportunity for taking forward this recommendation.

6.3 More efficient mechanisms to match demand and supply

At present, mechanisms to match efficiently needs identified by LDCs members with technical and financial assistance from co-operation partners and providers are not sufficiently co-ordinated. On the demand side, LDCs report that once they have communicated their needs to the TRIPS Council, they are unsure how to determine which co-operation partner(s) should be approached with specific requests and how this should be done. On the supply side, co-operation partners report that the appropriate organisational units do not receive concrete requests from LDC members which meet their internal requirements, or they receive them too late in their budget programming cycles when funds have already been fully committed elsewhere.

²²² WTO, Biennial Technical Assistance and Training Plan 2012-2013, WT/COMTD/W/180/Rev.1, 2012

It would seem timely for LDCs and co-operation partners/providers to meet together to reflect on how the mechanisms for matching demand and supply for IP-related technical and financial co-operation could be streamlined. These consultations could perhaps focus on three areas which seem to offer considerable potential efficiency gains, and could be facilitated by the WTO Secretariat.

First, co-operation partners/providers could provide LDC members who have communicated their needs to the TRIPS Council with detailed information about which countries they are likely to be able to focus on, how/when requests for assistance should be made and to whom, and through which modalities they can channel support to meet identified needs. On the latter point, co-operation partners/providers and LDC members could pay particular attention on how best to package and co-ordinate assistance effectively, and how to ensure that well-formed requests are properly followed-up.

Second, LDC members and co-operation partners/providers could consider closely how to realise the opportunities to reduce transaction costs and lead times for mobilising and delivering IP system modernisation efforts for LDC members by working through regional or sub-regional delivery approaches (even if these still contain distinct national level work programmes). This is of particular relevance for sub-Saharan Africa, where the two principal IP regional co-operation organisations, ARIPO and OAPI, are based. Moreover, following ASEAN's model, there are opportunities for African regional economic communities like the EAC, ECOWAS, COMESA and SADC to play a larger role in catalysing and co-ordinating needs communications as well as resource mobilisation for technical and financial co-operation programmes on behalf of their member states. Increasingly, regional economic communities have access to earmarked regional aid budget lines from development partners, and these could be tapped more systematically to finance IP-related technical and financial assistance programmes.

Third, LDCs members and co-operation partners/providers could consider whether it would be useful to endow – even modestly – a dedicated TRIPS/LDCs trust fund to accelerate the completion of needs communications for the remaining LDC members, disseminate best practices, and support improved co-ordination between LDCs and co-operation partners/providers in mobilising and monitoring effective IP technical and financial cooperation programmes at the national and regional level. The fund could be managed jointly by WTO and WIPO, and the fund's operational capabilities could be modelled on the successful features and lessons learnt from the WTO Standards and Trade Development Facility and the Enhanced Integrated Framework.

6.4 Improving usability of information sharing databases

As noted earlier in this document, a great deal of relevant information is already available in a range of public sources, including many WTO notification documents, but it is diverse in character and effectively impossible for delegates, officials and policymakers to gain a practical overview. A number of WTO members have notified contact points specifically for technical assistance and a contact point list arising from this process currently exists. No specific format has been established for use of the system and it is up to members to make use of the contact points they choose. There is however a publically available informal format that can be used for directing an enquiry through the contact point system.²²³ If co-operation partners and LDC members are willing to share information through the existing WTO-OECD Global Trade-Related Technical Assistance Database (GTAD)²²⁴ this could

²²³ Contact points for technical co-operation website: https://www.wto.org/english/tratop_e/trips_e/trips_notif_art67_e.html

²²⁴ Established in 2010, the WTO-OECD Global Trade Related Technical Assistance Database (GTAD) was developed as a response to the recognition of the importance of Trade Related Technical Assistance (TRTA) and Capacity Building (CB) as core elements for the development of the Multilateral Trading System (MTS). The database aims to enhance communication and visibility of organisations active in the TRTA and CB fields, ensuring coherence in programme design and implementation. Further, the database was developed as a portal for exchange and sharing of information between partner agencies on future

enable the improved channels of information sharing and coordination on IP-related technical and financial co-operation as described below:

- **Sharing information about individual LDCs needs:** the database could separate thematically (perhaps into the five categories identified in this study) the needs requested by each LDC. This would for example mean that a co-operation partner agency with particular skills in enforcement could easily locate an LDC member where this demand is not being met. If project documents exist and are not confidential, they could be uploaded for co-operation partners to review. Past project documents could also be uploaded for LDC members interested in similar projects to use as templates. The database should identify contact points for each LDC member.
- **Sharing information about co-operation partners' past activities:** the database could separate thematically (perhaps into the five categories identified in this study) what needs have been met in each LDC member. If it is feasible, reporting into the GTAD database could be made possible in lieu of annual Art 67 submissions. This means data could be downloaded for individual LDC members (e.g. 'all IP technical assistance to Mozambique in 2007'), and/or for thematic areas (e.g. 'IP technical assistance on enforcement 2006-2010'). The database should identify contact points for each co-operation partner agency.
- **Sharing information about pipeline activities:** Co-operation partners could also commit to uploading programmed activities onto the database in order to improve the data on pipeline technical and financial co-operation for LDC members. This would reduce the risk of duplication of efforts and improve co-operation partner coordination.

Using the GTAD database for this purpose in a systematic way will likely make the key information required more accessible and available to all and improve the coordination of the process.

executions of TRTA and CB activities, e.g. planned TRTA activities by partner agencies. The objectives of the database are to create transparency in trade related technical assistance and capacity building delivery by agencies to ensure coherence in coordination and encourage effective management by beneficiary countries of their technical assistance requirements. The database contains 30 categories of trade related technical assistance and capacity building data with 20 sub categories under trade policy and regulations and 6 under trade development. The search options provided – TRTA and CB category; Region/Group; Agency Provider – enable the identification of relevant data with ease. The database contains a national request form for beneficiary countries that would like to request a national technical assistance activity to be initiated in their country, which should contain precise information on topics and issues to be addressed by the respective developed country technical assistance team. The matching of supply and demand in this fashion ensures that the relevant partners are allocated, and assistance is provided by the relevant experts to the intended beneficiaries.

ANNEX A RESOURCES FOR THE COMMUNICATION OF NEEDS

1. ICTSD-Saana Consulting Diagnostic Toolkit

1.1 Background

The ICTSD-Saana Consulting Diagnostic Toolkit is a toolkit for assessing needs for IPR technical and financial assistance in LDCs so as to facilitate implementation of the TRIPS Agreement. It was developed in 2007 with financial assistance from the UK Department for International Development, and piloted in Sierra Leone and Uganda.

1.2 Coverage

This toolkit is intended to be used collaboratively by co-operation partner organisations and stakeholders from recipient institutions in LDCs at the earliest stages of planning an IPRTA programme. It is intended to support the definition and design of an IPRTA project from its earliest conceptual phase through to the eventual post-implementation evaluation phase. At the same time, it is intended to serve as an outline or framework for IPRTA project documentation that may, with the consent of all parties, be shared among co-operation partners.

In the typically compressed project definition phase of most IPRTA programmes, use of the common diagnostic tool by project stakeholders should lead to a better understanding of contextual and background situation in the recipient country. A fully effective initial needs communication may be expected to take approximately 2 weeks in the case of a country that has either minimal or no existing IPR administrative infrastructure. If the country already has some administrative infrastructure in place, the initial needs communication may be expected to be more complex. In such cases, a thorough initial needs communication may be expected to take 3 weeks or longer.

ICTSD's paper on lessons learned in the area of conducting needs communications includes the following lessons identified:

- The participatory and open process is key, as well as understanding the context.
- It has been highly effective to work with UNCTAD and to coordinate efforts.
- National ownership of the process and the product is very important.

The toolkit has been applied actively by LDCs in the needs communication process, and since the document is publicly available any LDC may conduct the assessment in-house or approach a co-operation partner with this preferred methodology. Bangladesh and Tanzania for example completed the work themselves.

2. WIPO national IP and innovation strategies and toolkits

2.1 National IP development plans and innovation strategies in LDCs

The success of a knowledge-based economy is dependent on a system that promotes knowledge-based enterprises, strengthens linkages between industry and research institutions, and develops the workforce necessary to deliver IP services. Such a system presupposes the appropriate integration of IP into the national development framework, and the interfacing of broad national IP policies and strategies with relevant national policy issues.

An IP strategy is important because it strengthens a country's ability to generate economically valuable IP assets. All countries have wealth in the form of human capital, universities, research institutions and entrepreneurial businesses. Therefore, the aim of an IP strategy is to, over time, provide a plan whereby all national stakeholders can work together to create, own and exploit research results, innovations, new technologies and works of creativity.

One of WIPO's main tasks is to support developing countries and LDCs in the formulation of national IP strategies, in order to build and strengthen national and regional IP institutions, infrastructure and resources, thus helping countries to achieve the requisite level of economic, social and cultural development.

In the recent past, WIPO has received a wide range of requests from Member States for assistance in the formulation and implementation of IP strategies that are consistent with these Member States' development goals and needs. While WIPO has responded to such requests on a case-by-case basis, it has become clear that there is a need for a harmonised and integrated approach to guiding Member States in the formulation of their national IP strategies. Although development priorities and goals may vary significantly from country to country, the existence of similar issues suggests that providing a common tool to be used in the development of such strategies would be a more effective and efficient way to handle the process.

Against this background, the WIPO Development Agenda Project was created with the aim of providing a coherent and harmonised approach, including a set of tools and mechanisms, to guide Member States in the development of a national IP strategy. The project also aims to ensure that WIPO's technical assistance and capacity-building activities in the development of the respective national IP strategies are delivered in an effective, efficient and coordinated way.

2.2 Toolkits

The Development Agenda Project has now been completed in six countries (Algeria, Dominican Republic, Mali, Moldova, Mongolia and Tanzania) and produced a number of important outputs, including, in particular, a set of tools and mechanisms to assist interested countries in formulating IP strategies which are aligned with national development priorities.

The methodology, developed, tested and consolidated on the basis of feedback from the pilot countries, includes a thorough research and IP audit phase and a national consultation process during which stakeholders are invited to review, discuss and consolidate the draft IP strategy framework, with a view to presenting the final strategy to the government for adoption.

Assessment mission: The assessment mission, which is undertaken by WIPO officials, is usually the first major activity to be carried out during the course of the IP strategy development process. The assessment mission, which is intended to prepare the ground for the IP strategy development process, involves meeting with the institutions responsible for the formulation of the IP strategy at national level. It also involves meeting with other key stakeholders – such as, inter alia, the national IP office(s), relevant government departments, universities and research institutions, SMEs, inventors, creators, legal practitioners, non-governmental organisations (NGOs) – to explain the scope, methodology and requirements for a successful IP strategy formulation process.

The assessment mission should help to secure political commitment at the highest possible level, in addition to helping to identify and train the national team of experts who will be responsible for drafting the strategy.

Project team: A project (national) team will be required to undertake an initial fact-finding exercise, carry out an IP audit, and develop a strategy document and action plan. The team may comprise national IP office(s) staff members or national experts recruited from somewhere other than the IP office(s). The appointment of a national project team will ensure that the country takes ownership of the results of the strategy formulation process; it will also ensure that the process is implemented by experts who have a comprehensive knowledge and understanding of the country's economic circumstances as well as its social and political infrastructure. In most cases, an international consultant will be required to work with and assist the national team.

Desk research: The purpose of carrying out desk research is to review existing policy documents, in order to create a comprehensive assessment of the country's national development objectives, strategies and policies, and also in order to identify how to align the national IP strategy with the country's national development priorities.

Data collection: The desk research will be complemented by extensive data collection using an integrated tool – the Baseline Survey Questionnaire – which was developed by WIPO. The purpose of data collection is to obtain a clear picture of the current IP situation in the country (IP audit), its weaknesses, strengths and potential, and, on this basis, to realistically assess what issues need to be considered during the formulation of the national IP strategy.

National consultations: The purpose of carrying out national consultations is to enable stakeholders to actively participate in the validation of the IP audit findings and the formulation of the national IP strategy. The ultimate goal of this exercise is to enhance a wide range of IP stakeholders' ownership of the process of developing and eventually implementing a national IP strategy.

Drafting the strategy: Based on the suggestions, opinions and recommendations received during the national consultation process (i.e., suggestions, opinions and recommendations that would be considered useful for inclusion in the draft national IP strategy), the project team will then be entrusted with the task of formulating the national IP strategy and related action plan. This task will include identifying key strategic IP objectives and priorities for each sector, as well as for the country as a whole.

Validation of the strategy: A second round of stakeholder consultations will be required in order to validate the proposed draft strategy, and also in order to ensure that all suggestions, opinions, recommendations and concerns raised during the first round of consultations have been taken into account before the document is finally submitted to the government for approval.

Implementation: The development of a national IP strategy would not be complete without a clear implementation framework. Such a framework should include implementation structures, a resource mobilisation strategy, and monitoring and evaluation mechanisms.

3. WTO seminars and Guidebook

3.1 Seminars

In continuing consultations with the LDC Group, the WTO Secretariat has convened a series of workshops, regionally and in Geneva, on the process of identifying priority needs and coordinating technical and financial cooperation, including a Symposium on LDC Priority Needs for Technical and Financial Cooperation from 31st October to 2nd November 2012.²²⁵

²²⁵Least developed countries' priority needs in intellectual property: http://www.wto.org/english/tratop_e/trips_e/ldc_e.htm

2009: A WTO Workshop on Least Developed Countries' Priority Needs for Technical and Financial Cooperation, was held in Geneva on 29th October 2009, following a request from the least developed country group in the TRIPS Council in June of that year.

It was part of following up on the TRIPS Council Decision of 29th November 2005. The main purpose was to enable least developed countries, developed countries, the WTO and WIPO to exchange views and share experiences. The Workshop examined ways to make use of existing mechanisms, such as the Aid for Trade Initiative (AFT) and the Enhanced Integrated Framework (EIF).

2010: Also in response to the request from the least developed country group in June 2009, three regional workshops on the priority needs for these countries were held in 2010 for capital-based officials from French-speaking Africa, English-speaking Africa and the Asia-Pacific region.

2011: Following the same request, a symposium on least developed countries' needs communications was held in Geneva on 19th-21st October 2011. The purpose was to bring together key representatives from LDCs, cooperating partners in developed countries, and international and regional organisations, with a view to sharing experiences on the process so far, as well as ongoing activities and outstanding needs to complete the process.

2012: A symposium on LDCs' needs communications was held in Geneva on 31st October–2nd November 2012 with the support of the Swedish Government. The purpose was to enhance coordination of assistance to those LDCs that have yet to identify their priority needs to implement the TRIPS Agreement in a manner supportive of their domestic policy objectives, as well as to align available resources with the individual needs that have already been identified by a number of LDCs. At the closing session, the following issues were submitted for further consideration:

- Whether coordination would be best done in Geneva or in capitals and whether the TRIPS Council should monitor projects in order to ensure transparency.
- Whether reporting on relevant activities could be centralised on a recipient country basis.
- How to prioritise IP in the process of updating Diagnostic Trade Integration Study (DTIS) action matrices.
- Whether a dedicated fund could be established in order to support the needs communication process.

3.2 Guidebook

The Guidebook, 'Identifying Priority Needs for Technical and Financial Cooperation to Implement the TRIPS Agreement' has been under development for several years to support LDCs undertaking and co-ordinating needs communications of financial and technical assistance activities relating to the WTO TRIPS Agreement.

Draft versions of the Guidebook have been consulted upon with LDC officials and other experts taking part in regional workshops and Geneva meetings on the coordination of technical assistance for the benefit of LDCs. A final version, based on these consultations, is expected to be issued in the near future. The Guidebook will aim to structure the WTO's support to LDCs within an end-to-end approach, building on and signposting existing resources, toolkits and knowledge and technical assistance resources. The intended audience is LDC policymakers, officials and other stakeholders working on and concerned with the processes, risks and potential benefits implicit in the needs communication and

TRIPS implementation process. The secondary audience is officials involved in the provision of IPR-related technical assistance and capacity building to LDCs.

ANNEX B NATIONAL IP OFFICES IN LDC WTO MEMBERS

This annex profiles the national IP administrations in LDC WTO members. The information found in this annex is taken from the WIPO Directory of Intellectual Property Offices (<http://www.wipo.int/directory/en/urls.jsp>).

LDC	National IP offices
Angola	<p>Copyright Offices: National Institute for Cultural Industries (INIC) National Directorate of Entertainment and Copyright Ministry of Culture</p> <p>Industrial Property Offices: Angolan Institute of Industrial Property Ministry of Geology, Mines and Industry: http://www.mingmi.gov.ao</p>
Bangladesh	<p>Copyright Offices: Copyright Office Bangladesh, Ministry of Cultural Affairs: http://copyrightoffice.gov.bd</p> <p>Industrial Property Offices: Department of Patents, Designs and Trademarks (DPDT): http://www.dpdt.gov.bd/</p>
Benin	<p>Copyright Offices: Beninese Copyright Office (BUBEDRA), Ministry of Culture and Communication</p> <p>Industrial Property Offices: National Industrial Property Centre (CENAPI), Ministry of Industry and Commerce</p>
Burkina Faso	<p>Copyright Offices: Burkinabé Copyright Office (BBDA): http://www.bbda.bf/quotidien/actualite/index.php</p> <p>Industrial Property Offices: General Directorate of Industrial Property: http://www.commerce.gov.bf</p>
Burundi	<p>Copyright Offices: Department of Arts and Culture, Ministry of Youth, Sports and Culture</p> <p>Industrial Property offices: Ministry of Trade, Industry and Tourism: http://www.commerceetindustrie.gov.bi/</p>
Cambodia	<p>Copyright Offices: Department of Copyright and Related Rights: http://www.mcf.gov.kh/#</p> <p>Industrial Property Offices: Dept of Industrial Property (DIP): http://www.gdi.mime.gov.kh/ Intellectual Property Department (IDP): http://www.moc.gov.kh</p>
Central African Republic	<p>Copyright Offices: Central African Copyright Office (BUCADA), Ministry of Tourism, the Arts and Culture</p> <p>Industrial Property Offices: National Industrial Property Service, Ministry of Industry, Commerce & SME-SMI</p>
Chad	<p>Copyright Offices: Chadian Copyright Office (BUTDRA), Ministry of Culture, Youth and Sports</p> <p>Industrial Property Offices: National Liaison Office with OAPI (SNL/OAPI), Ministry of Commerce and Industry</p>
Djibouti	<p>Copyright Offices: Ministry of Communication and Culture, responsible for Posts and Copyright Office</p> <p>Industrial Property Offices: Office of Industrial Property and Commerce (ODPIC), Min of Commerce & Industry: http://www.mci.dj</p>

LDC	National IP offices
DR Congo	<p><u>Copyright Offices:</u> Secretariat of Culture Directorate of Research, Ministry of Culture and the Arts</p> <p><u>Industrial Property Offices:</u> Directorate of Industrial Property Secretariat for Industry and Small and Medium Enterprises (IPMEA), Ministry of Industry and SMEs</p>
Gambia	<p><u>Copyright Offices:</u> National Centre for Arts and Culture, Ministry of Culture</p> <p><u>Industrial Property offices:</u> Office of the Registrar General Attorney, General's Chambers, Ministry for Justice</p>
Guinea	<p><u>Copyright Offices:</u> Guinean Copyright Office, Ministry of Youth, Sport and Culture</p> <p><u>Industrial Property Offices:</u> National Service of Industrial Property, Ministry of Trade, Industry, Small and Medium Enterprises</p>
Guinea Bissau	<p><u>Copyright Offices:</u> Guinean Copyright Society, Ministry of Education, Culture, Science, Youth and Sports</p> <p><u>Industrial Property Office:</u> General Directorate of Industrial Property, Ministry of Energy, Industry, and Natural Resources</p>
Haiti	<p><u>Copyright Offices:</u> Haitian Copyright Office (BHDA), Ministry of Culture and Communication http://www.bhdagouv.com/</p> <p><u>Industrial Property Offices:</u> Intellectual Property Service, Directorate of Legal Affairs, Ministry of Trade and Industry</p>
Lao PDR	<p><u>Industrial Property Offices:</u> Department of Intellectual Property, Ministry of Science and Technology: http://www.ste.la.wipo.net/index.html</p>
Lesotho	<p><u>Copyright Offices:</u> Ministry of Law and Constitutional Affairs, Registrar General's Office</p> <p><u>Industrial Property Offices:</u> Ministry of Law and Constitutional Affairs, Registrar General's Office</p>
Madagascar	<p><u>Copyright Offices:</u> Malagasy Copyright Office, Ministry of Information, Culture and Communication: http://www.onda.mg/index.html</p>
Malawi	<p><u>Copyright Offices:</u> Copyright Society of Malawi (COSOMA), Ministry of Tourism, Wildlife and Culture</p> <p><u>Industrial Property Offices:</u> Department of the Registrar General Ministry of Justice and Constitutional Affairs</p>
Mali	<p><u>Copyright Offices:</u> Malian Copyright Office (BUMDA): http://www.bumda.cefib.com/</p> <p><u>Industrial Property Offices:</u> Malian Centre for the Promotion of Industrial Property (CEMAPI), Ministry of Trade and Industry: www.cemapi.com</p>
Mauritania	<p><u>Copyright Offices:</u> Cultural Cooperation and Intellectual Property Department, Directorate of Culture and Arts, Ministry of Culture, Youth and Sports</p> <p><u>Industrial Property Offices:</u></p>

LDC	National IP offices
	Directorate Industry, Ministry of Commerce, Industry, Handicraft and Tourism
Mozambique	<p>Copyright Offices: Department of Copyright, National Institute of Book and Records, Ministry of Culture, Youth and Sports</p> <p>Industrial Property Offices: Industrial Property Institute (IPI), Ministry of Industry and Commerce: http://www.ipi.gov.mz</p>
Myanmar	<p>Copyright Offices: Ministry of Information and Culture</p> <p>Industrial Property Offices: Department of Technical and Vocational Education, Ministry of Science and Technology</p>
Nepal	<p>Copyright Offices: Nepal Copyright Registrar's Office, Ministry of Culture, Tourism and Civil Aviation: http://www.nepalcopyright.gov.np</p> <p>Industrial Property Offices: Department of Industry, Ministry of Industry: http://doind.gov.np/index.php</p>
Niger	<p>Copyright Offices: Niger Copyright Office (BNDA), Ministry of Youth, Sports and Culture: http://www.bnda.ne.wipo.net</p> <p>Industrial Property Offices: Direction of Innovation and Industrial Property, Ministry of Commerce, Industry and Promotion of Young Entrepreneurs</p>
Rwanda	<p>Copyright Offices: Office of the Registrar General Rwanda Development Board (RDB): http://org.rdb.rw/</p> <p>Industrial Property Office: Rwanda Development Board (RDB), Office of the Registrar General: http://org.rdb.rw/</p>
Samoa	<p>Copyright Offices: Registration of Companies and Intellectual Property Division (RCIP), Ministry of Commerce, Industry and Labour (MCIL): http://www.mcil.gov.ws</p> <p>Industrial Property Offices: Registrar of Patents, Trade Marks and Industrial Designs, Ministry of Commerce, Industry and Labour (MCIL)</p>
Senegal	<p>Copyright Offices: Ministry of Culture, Gender and Living Environment, Senegalese Copyright Office</p> <p>Industrial Property Offices: Senegalese Agency of Industrial Property and Technological Innovation (ASPIT), Ministry of Trade, Industry and Handicraft: http://www.aspit.sn/</p>
Sierra Leone	<p>Copyright Offices: Ministry of Culture and Tourism (Cultural Division), Sierra Leone Intellectual Property Organisation (SLIPO)</p> <p>Industrial Property Offices: Administrator and Registrar-General's Department</p>
Solomon Islands	<p>Copyright Offices: Ministry of Police and Justice Registrar-General's Office</p> <p>Industrial Property Offices: Ministry of Police and Justice Registrar-General's office</p>
Tanzania	<p>Copyright Offices: Copyright Society of Tanzania (COSOTA), Business Registrations and Licensing Agency</p>

LDC	National IP offices
	<p>(BRELA), Ministry of Industry and Trade, Tanzania: http://www.cosota-tz.org</p> <p>Copyright Society of Zanzibar (COSOZA), Ministry of Constitutional Affairs and Good Governance</p> <p><u>Industrial Property Offices:</u></p> <p>Business Registrations and Licensing Agency (BRELA), Ministry of Industry and Trade, Tanzania: http://www.brela-tz.org/index.php</p> <p>Registrar's General's Office, Ministry of Justice and Constitutional Affairs, Zanzibar</p>
Togo	<p><u>Copyright Offices:</u> Ministry of Culture, Youth and Sport, Togolese Copyright Office (BUTODRA) http://www.butodra.org</p> <p><u>Industrial Property Offices:</u> National Institute for Industrial Property and Technology (INPIT), Ministry of Trade, Industry, Transport and Development of the Free Zone</p>
Uganda	<p><u>Copyright Offices:</u> Ministry of Justice and Constitutional Affairs, Uganda Registration Services Bureau (URSB)</p> <p><u>Industrial Property Office:</u> Ministry of Justice and Constitutional Affairs Uganda Registration Services Bureau (URSB)</p>
Vanuatu	<p><u>Copyright Offices:</u> The Intellectual Property Office of the Republic of Vanuatu, Ministry of trade, Tourism and Industry</p> <p><u>Industrial Property Offices:</u> The Intellectual Property Office of the Republic of Vanuatu, Ministry of Trade, Tourism and Industry</p>
Zambia	<p><u>Copyright Offices:</u> Copyright Administration, Ministry of Information and Broadcasting Services (MIBS)</p> <p><u>Industrial Property Offices:</u> Patents and Companies Registration Agency (PACRA), Ministry of Commerce, Trade and Industry: http://www.pacra.org.zm/</p>

ANNEX C STATISTICAL DATA ON IP ADMINISTRATION

The information used in this annex was obtained from the WIPO IP Statistics Data Centre. Due to limited availability, only countries that have provided data to WIPO are those listed in the tables below.

The WIPO IP Statistics Data Centre uses an aggregate category of “Low Income Country (LIC)”. According to WIPO, the LIC category total is the sum of all the available data (i.e. excluding estimates) for countries included in this category.²²⁶ The category is a useful but imperfect proxy indicator for the group of 34 LDCs who are WTO members.

The following 9 LDC WTO members are classed by WIPO as LDCs but not LICs and do not therefore appear in the total LIC category data: Angola, Djibouti, Lao PDR, Lesotho, Samoa, Senegal, Solomon Islands, Vanuatu, and Zambia.

There are also a number of countries that are classed as LICs by WIPO and included in the total LIC category, but are not LDC WTO members: Afghanistan, Comoros, Eritrea, Ethiopia, Kenya, Democratic People’s Republic of Korea, Kyrgyz Republic, Liberia, Somalia, Tajikistan, and Zimbabwe²²⁷.

1. Patents

Total patent applications (direct and PCT national phase entries) by LDC, 2008 - 2011

Office	Origin	2008	2009	2010	2011
Bangladesh	All	338	330	342	306
Burkina Faso	All	N/a	N/a	2	N/a
Madagascar	All	77	44	43	61
Low Income Countries	All	1,599	9,016	8,791	372

Resident and non-resident patent applications, 2008 - 2011

Office	Origin	2008	2009	2010	2011	Total
Bangladesh	Resident	60	55	66	32	213
	Non-resident	278	275	276	274	1,103
Burkina Faso	Resident	N/a	N/a	2	N/a	2
	Non-resident	N/a	N/a	N/a	N/a	0
Madagascar	Resident	14	1	9	3	27

²²⁶ WIPO IP Statistics Data Centre Help: <http://ipstatsdb.wipo.org/ipstats/ipstats/patentsHelp>

²²⁷ World Bank Classification of Low Income Countries:

<http://www.nerc.ac.uk/research/programmes/espa/events/documents/ao-espa2013-annex1.pdf>

Office	Origin	2008	2009	2010	2011	Total
	Non-resident	63	43	34	58	198
Low Income Countries	Resident	283	8,071	8,313	39	16,706
	Non-resident	1,316	945	478	333	3,072

Total patent grants (direct and PCT national phase entries) by LDCs, 2008 - 2011

Office	Origin	2008	2009	2010	2011
Bangladesh	All	165	130	92	85
Madagascar	All	34	27	55	N/a
Low Income Countries	All	442	6,314	6,549	90

Resident and non-resident patent grants, 2008 - 2011

Office	Origin	2008	2009	2010	2011	Total
Bangladesh	Resident	14	28	21	6	69
	Non-resident	151	102	71	79	403
Madagascar	Resident	6	2	5	N/a	13
	Non-resident	28	25	50	N/a	103
Low Income Countries	Resident	142	6,167	6,377	11	12,697
	Non-resident	300	147	172	79	698

2. Trademarks

Total trademark applications (direct and via the Madrid System) by LDCs, 2008 - 2011

Office	Origin	2008	2009	2010	2011
Bangladesh	All	9,221	8,771	10,231	11,645
Burkina Faso	All	N/a	N/a	34	N/a
Haiti	All	1,513	1,581	1,774	1,949
Lesotho	All	910	634	565	633
Madagascar	All	1,318	1,605	1,772	1,869

Office	Origin	2008	2009	2010	2011
Mozambique	All	1,240	870	888	1,032
Sierra Leone	All	1,017	750	674	724
Zambia	All	1,159	795	764	866
Low Income Countries	All	31,001	27,158	26,362	27,046

Resident and non-resident trademark applications, 2008 - 2011

Office	Origin	2008	2009	2010	2011	Total
Bangladesh	Resident	N/a	N/a	7,857	8,632	16,489
	Non-resident	N/a	N/a	2,374	3,013	5,405
Burkina Faso	Resident	N/a	N/a	34	N/a	34
	Non-resident	N/a	N/a	N/a	N/a	N/a
Haiti	Resident	588	600	409	572	2,169
	Non-resident	925	981	1,365	1,377	4,648
Lesotho	Resident	N/a	N/a	N/a	N/a	N/a
	Non-resident	910	634	565	633	2,742
Madagascar	Resident	514	571	610	621	2,316
	Non-resident	804	1,034	1,162	1,248	4,248
Low Income Countries	Resident	2,972	3,051	11,135	10,166	27,324
	Non-resident	15,768	12,554	15,227	16,880	60,429

Total trademark registrations (direct and via the Madrid systems) by LDCs, 2008 - 2011

Office	Origin	2008	2009	2010	2011
Bangladesh	All	N/a	1,079	1,519	N/a
Lesotho	All	910	634	565	633
Madagascar	All	1,428	1,595	1,644	1,629
Mozambique	All	1,239	870	887	1,023
Sierra Leone	All	1,017	750	674	724

Zambia	All	1,159	795	764	866
Low Income Countries	All	16,656	14,207	14,704	12,789

Resident and non-resident trademark registrations, 2008 - 2011

Office	Origin	2008	2009	2010	2011	Total
Bangladesh	Resident	N/a	170	307	N/a	477
	Non resident	N/a	909	1,212	N/a	2,121
Lesotho	Resident	N/a	N/a	N/a	N/a	N/a
	Non resident	910	634	565	633	2,742
Madagascar	Resident	588	571	614	459	2,232
	Non resident	840	1,024	1,030	1,170	4,064
Mozambique	Resident	N/a	N/a	N/a	N/a	N/a
	Non resident	1,239	870	887	1,023	4,019
Sierra Leone	Resident	N/a	N/a	N/a	N/a	N/a
	Non resident	1,017	750	674	724	3,165
Low Income Countries	Resident	2,228	2,090	2,408	814	7,540
	Non resident	14,428	12,117	12,296	11,975	50,816

3. Industrial Designs

Total design applications (direct and via the Hague System) by LDCs, 2008 - 2011

Office	Origin	2008	2009	2010	2011
Bangladesh	All	511	922	896	1,297
Benin	All	34	15	9	14
Burkina Faso	All	N/a	N/a	4	N/a
Madagascar	All	304	332	286	309
Mali	All	23	10	8	11
Niger	All	25	10	5	11
Rwanda	All	N/a	N/a	N/a	1

Office	Origin	2008	2009	2010	2011
Senegal	All	41	18	12	14
Low Income Countries	All	1,534	1,889	1,588	1,972

Resident and non-resident design applications, 2008 - 2011

Office	Origin	2008	2009	2010	2011	Total
Bangladesh	Resident	473	954	853	1,155	3,435
	Non resident	38	38	43	142	261
Benin	Resident	N/a	N/a	N/a	N/a	0
	Non resident	37	15	9	14	75
Burkina Faso	Resident	N/a	N/a	4	N/a	4
	Non resident	N/a	N/a	N/a	N/a	0
Madagascar	Resident	298	332	279	307	1,216
	Non resident	6	N/a	7	2	15
Mali	Resident	N/a	N/a	N/a	N/a	N/a
	Non resident	23	10	8	11	52
Low Income Countries	Resident	810	1,362	1,218	1,479	4,869
	Non resident	589	355	370	493	1,807

Total design registrations (direct and via the Hague System) by LDCs, 2008 - 2011

Office	Origin	2008	2009	2010	2011
Bangladesh	All	415	394	824	646
Benin	All	37	15	9	14
Madagascar	All	392	336	313	271
Mali	All	23	10	8	11
Niger	All	25	10	5	11
Rwanda	All	N/a	N/a	N/a	1
Senegal	All	41	18	12	14

Low Income Countries	All	1,374	1,134	1,520	1,276
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Resident and non-resident design registrations, 2008 - 2011

Office	Origin	2008	2009	2010	2011	Total
Bangladesh	Resident	364	376	792	615	2,147
	Non resident	51	18	32	31	147
Benin	Resident	N/a	N/a	N/a	N/a	N/a
	Non resident	37	15	9	14	75
Madagascar	Resident	378	330	312	265	1,285
	Non resident	14	6	1	6	27
Mali	Resident	N/a	N/a	N/a	N/a	N/a
	Non resident	23	10	8	11	52
Niger	Resident	N/a	N/a	N/a	N/a	N/a
	Non resident	25	10	5	11	51
Low Income Countries	Resident	775	796	1152	894	4,392
	Non resident	599	338	368	382	1,687

ANNEX D MEMBERSHIP OF MAJOR INTERNATIONAL IP TREATIES BY LDC WTO MEMBERS

This annex profiles the membership of major international IP treaties by LDC WTO members. In addition, all of the LDC WTO members are members of the WIPO convention. The information in this annex is taken primarily from the relevant pages of the WIPO website.

LDC Member	Global legal protection systems								Global administration & classification systems									Total	
	Industrial Property		Copyright and related rights						PCT	TLT	N	MP	MM	H	VC	SG	LO		LI
Treaty	P	IPC	RO	WCT	B	WPPT	PH	S											
Angola	X								X										2
Bangladesh	X				X														2
Benin	X			X	X	X			X		X			X		X			8
Burkina Faso	X		X	X	X	X	X		X	X								X	9
Burundi	X																		1
Cambodia	X																		1
Central African Republic	X				X				X										3

LDC Member	Global legal protection systems								Global administration & classification systems										Total
	Industrial Property		Copyright and related rights						PCT	TLT	N	MP	MM	H	VC	SG	LO	LI	
Treaty	P	IPC	RO	WCT	B	WPPT	PH	S											
Chad	X				X				X										3
Democratic Republic of the Congo	X				X		X												3
Djibouti	X				X														2
Gambia	X				X				X										3
Guinea	X	X		X	X	X			X	X	X				X		X		10
Guinea-Bissau	X				X				X										3
Haiti	X				X													X	3
Lao People's Democratic Republic	X				X				X										3

LDC Member	Global legal protection systems								Global administration & classification systems										Total
	Industrial Property		Copyright and related rights						PCT	TLT	N	MP	MM	H	VC	SG	LO	LI	
Treaty	P	IPC	RO	WCT	B	WPPT	PH	S											
Lesotho	X		X		X				X			X	X						6
Madagascar	X				X				X			X							4
Malawi	X	X			X				X		X						X		6
Mali	X			X	X	X			X					X		X			7
Mauritania	X				X				X										3
Mozambique	X								X		X	X	X						5
Myanmar																			0
Nepal	X				X														2
Niger	X		X		X				X					X					5
Rwanda	X				X			X	X					X					5

LDC Member	Global legal protection systems								Global administration & classification systems										Total	
	Industrial Property		Copyright and related rights						PCT	TLT	N	MP	MM	H	VC	SG	LO	LI		
Treaty	P	IPC	RO	WCT	B	WPPT	PH	S												
Samoa					X															1
Senegal	X			X	X	X			X						X					6
Sierra Leone	X								X			X	X							4
Solomon Islands																				0
Togo	X		X	X	X	X	X	X	X										X	9
Uganda	X								X											2
United Republic of Tanzania	X				X				X		X									4
Vanuatu					X															1
Zambia	X				X				X			X								4

P	Paris Convention	GH	Geneva Act of Hague	BP	Budapest Treaty
B	Berne Convention	N	Nice Agreement	S	Brussels Convention
PCT	Patent Cooperation Treaty	LI	Lisbon Agreement	TLT	Trademark Law Treaty
PLT	Patent Law Treaty	RO	Rome Convention	WCT	WIPO Copyright Treaty
MI	Madrid Agreement (Indications of Source)	LO	Locarno Agreement	WPPT	WIPO Performances and Phonograms Treaty
MM	Madrid Agreement (Marks)	IPC	Strasbourg Agreement	SG	Singapore Treaty
MP	Madrid Protocol	PH	Phonograms Convention		
H	Hague Agreement	VC	Vienna Agreement		

ANNEX E IP LEGISLATION IN LDC WTO MEMBERS

This annex provides a list of the legislation available on the WIPO Lex database for each LDC WTO member as at February 2013, including only the WIPO Lex category 'Main IP Laws: enacted by the Legislature'.

LDC	IP legislation
Angola	Law No. 3/92 on Industrial Property of February 28, 1992 (1992) Law No. 4/90 of March 10, 1990 on Author's Rights (1990)
Bangladesh	Trademarks Act, 2009 (Act No. XIX of 2009) (2009) The Patents and Designs Act (Act No. II of 1911) (2003) Copyright Act 2000 No. 28 of 2000 (as amended up to 2005) (2000)
Benin	Law No. 2005-30 of April 5, 2006 relating to Copyright and Related Rights of the Republic of Benin (2006)
Burkina Faso	Law No. 032-99/AN of December 22, 1999 on the Protection of Literary and Artistic Property (1999)
Burundi	Law of 20 August 1964 on Patents (1964)
Cambodia	Law on Patents, Utility Models and Industrial Designs (2003) Law on Copyrights and Related Rights (2003) Laws concerning Marks, Trade Names and Acts of Unfair Competition of the Kingdom of Cambodia (2002) Law of January 25, 1996 on the Protection of Cultural Heritage (1996)
Central African Republic	N/a
Chad	Law No. 005/PR/2003 of May 2, 2003 on the Protection of Copyright, Neighbouring Rights and Expressions of Folklore (2003)
Democratic Republic of Congo	Law No. 82-001 of January 7, 1982 on Industrial Property (1982)
Djibouti	Law No. 50/AN/09/6 th L on the Protection of Industrial Property (2009) Law No. 154/AN/06 of 23 July 2006 on the Protection of Copyright and Neighbouring Rights (2006)
Gambia	Industrial Property Act, 1989 (2007) Copyright Act, 2004 (2004)
Guinea	N/a
Guinea Bissau	N/a
Haiti	Law of July 14, 1956 amending the Trademarks Law of July 17, 1954 (1956) Law of July 17, 1954 on Trademarks (1954)

LDC	IP legislation
	<p>Law on July 3, 1924 amending the Law on Patents of Inventions and Industrial Designs of December 14, 1922 (1924)</p> <p>Law of December 14, 1922 on Patents of Inventions and Industrial Designs (1922)</p>
Lao People's Democratic Republic	<p>Intellectual Property Laws (2007)</p> <p>Law No. 08/NA on National Heritage (1995)</p>
Lesotho	<p>Industrial Property Order 1989 (Order No. 5 of 1989, as last amended by Act No. 4 of 1997) (1997)</p> <p>Copyright Order 1989 (Order No. 13 of 1989) (1989)</p>
Madagascar	<p>Law No. 94-036 of 18 September 1995 on Literary and Artistic Property (1994)</p>
Malawi	<p>Copyright Act, 1989 (2001)</p> <p>Trade Descriptions Act, 1987 (1987)</p> <p>Patents Act, Chapter 49:02 (1986)</p> <p>Registered Designs Act, Chapter 49:05 (1985)</p> <p>Trademarks Act, Chapter 49:01 (1967)</p> <p>Merchandise Marks Act, Chapter 49:04 (1966)</p>
Mali	<p>Law No. 08-024 of July 23, 2008 laying down the Regime of Literary and Artistic Property in the Republic of Mali (2008)</p> <p>Law on the Protection of Industrial Property (No. 87-18/AN-RM of March 9, 1987) (1987)</p>
Mauritania	<p>N/a</p>
Mozambique	<p>Industrial Property Code (approved by Decree No. 04/2006 of April 12, 2006 (2006)</p> <p>Law No. 4/2001 of February 27, 2001 (Copyright Law, approved by Decree-Law No. 46.980 of April 27, 1966) (2001)</p>
Myanmar	<p>The Copyright Act of 1911 (1911)</p> <p>Merchandise Marks Act 1889 (1889)</p>
Nepal	<p>The Patent, Design and Trade Mark Act, 2022 (1965) (2006)</p> <p>Copyright Act, 2059 (2002) (2002)</p>
Niger	<p>N/a</p>
Rwanda	<p>Law No. 31/2009 of 26/10/2009 on the Protection of Intellectual Property (2009)</p>
Samoa	<p>Copyright Act 1998 (2009)</p> <p>Industrial Designs Act 1972 (2009)</p> <p>Patents Act 1972 (2009)</p>

LDC	IP legislation
	Trade Marks Act 1972 (2009)
Senegal	Law No. 2009-09 of January 25, 2008 on Copyright and Related Rights (2008)
Sierra Leone	The Sierra Leone Broadcasting Corporation Act, 2009 (2010)
Solomon Islands	Registration of UK Patents Act (Cap 179) (1992) Copyright Act 1987 (Cap 138) (1988) Registration of United Kingdom Trade Marks Act (Cap 180) (1978) United Kingdom Designs (Protection) Act (Cap 181) (1978) Registration of Business Names Act (Cap 178) (1977)
Tanzania	The Zanzibar Industrial Property Act No. 4 of 2008 (2008) The Zanzibar Copyright Act, 2003 (2003) The Protection of New Plant Varieties (Plant Breeders' Rights) Act, 2002 (2002) The Traditional and Alternative Medicine Act No. 23 of 2002 (2002) Copyright and Neighbouring Rights Act, 1999 (1999) The Patents (Registration) Act (1995) The Trade and Service Marks Act, 1986 (1986) Merchandise Marks Act, 1963 (No. 20 of 1963) (1963)
Togo	Law No. 2001-015 of November 29, 2001 on the Creation of the National Institute of Industrial Property and Technology (INIPT) (2001) Law No. 91-12 of June 10, 1991 on the Protection of Copyright, Folklore and Related Rights (1991) Law No. 61-38 of December 28, 1961 on Trademarks (1961)
Uganda	The Trademarks Act, 2010 (2010) The Trade Secrets Protection Act, 2009 (2009) The Copyright and Neighbouring Rights Act, 2006 (2006) The Patents (Amendment) Act, 2002 (2002) The Patents Act (1993) The United Kingdom Designs (Protection) Act, (1937)
Vanuatu	Geographical Indications (Wine) Act (2006) Designs Act No. 3 of 2003 (2003) Patents Act No. 2 of 2003 (2003) Trademarks Act No. 1 of 2003 (2003) Circuits Layouts Act No. 51 of 2000 (2000) Copyright and Related Rights Act No. 42 of 2000 (2000) Trade Secret Act No. 52 of 2000 (2000)

LDC	IP legislation
Zambia	<p>Copyright and Performance Rights (Amendment) Act, 2010 (Act No. 25 of 2010) (2010)</p> <p>Plant Breeder's Rights Act (Act No. 18 of 2007) (2007)</p> <p>Copyright and Performance Rights Act, 1994 (Act No. 44 of 1994) (1994)</p> <p>The Registered Designs Act (Chapter 402) (1994)</p> <p>Protection of Names, Uniforms and Badges Act (Chapter 314) (1994)</p> <p>The Merchandise Marks Act (Chapter 405) (1994)</p> <p>The Trade Marks Act (Chapter 401) (1994)</p> <p>The Patents (Amendment) Act, 1987 (Act No. 26 of 1987) (1987)</p> <p>The Registered Designs (Amendment) Act, 1987 (Act No. 25 of 1987) (1987)</p> <p>The Patents (Amendment) Act, 1980 (Act No. 18 of 1980) (1980)</p> <p>The Registered Designs (Amendment) Act, 1980 (Act No. 16 of 1980) (1980)</p> <p>The Trade Marks (Amendment) Act, 1980 (1980)</p> <p>The Patents Act (Chapter 400) (1965)</p> <p>The Registration of Business Names Act (Chapter 389) (1965)</p>

ANNEX F TECHNICAL & FINANCIAL ASSISTANCE TO LDCS

This table indicates those LDC WTO members explicitly stated as a direct beneficiary of country-level technical assistance related to implementation of the TRIPS agreement in one or more of the TRIPS Art. 67 submissions made annually by developed countries and IGOs to the WTO TRIPS Council from 2008 to 2012.

It should be noted that LDC WTO members may have benefited from a range of non-country level technical assistance activities beyond those reported here over the period (e.g. regional-level workshops or thematic training events organised at the global level in which LDC WTO members have participated).

Numbers in parenthesis indicate the total number of individual direct technical assistance provisions made to each LDC WTO member by co-operation partners in each of the years shown.

LDC	2012	2011	2010	2009	2008
Angola	No	Yes (1)	Yes (1)	Yes (1)	Yes (3)
Bangladesh	Yes (2)	Yes (2)	Yes (1)	Yes (3)	Yes (6)
Benin	No	No	No	No	No
Burkina Faso	Yes (1)	Yes (2)	No	Yes (1)	Yes (1)
Burundi	No	Yes (1)	Yes (1)	No	Yes (1)
Cambodia	Yes (3)	Yes (3)	Yes (5)	Yes (8)	Yes (6)
Centr. Afr. Rep.	No	No	No	No	Yes (2)
Chad	No	No	No	No	No
DR Congo	Yes (1)	Yes (1)	Yes (1)	Yes (3)	Yes (3)
Djibouti	No	No	No	No	Yes (1)
Gambia	Yes (1)	No	Yes (1)	Yes (2)	Yes (1)
Guinea	No	No	No	No	Yes (1)
Guinea Bissau	No	No	No	No	Yes (1)
Haiti	No	No	No	No	No
Lesotho	No	Yes (1)	No	Yes (1)	Yes (1)
Madagascar	No	Yes (1)	No	Yes (2)	Yes (2)
Malawi	No	No	Yes (1)	Yes (1)	Yes (1)
Mali	No	Yes (3)	Yes (1)	Yes (2)	Yes (1)
Mauritania	No	No	No	No	Yes (1)

LDC	2012	2011	2010	2009	2008
Mozambique	No	Yes (2)	No	Yes (4)	Yes (1)
Myanmar	No	No	No	Yes (3)	Yes (4)
Nepal	No	Yes (2)	Yes (1)	Yes (2)	Yes (2)
Niger	No	No	No	Yes (1)	No
Rwanda	No	Yes (2)	Yes (1)	Yes (1)	Yes (2)
Samoa	No	Yes (3)	Yes (1)	No	No
Senegal	No	No	Yes (2)	Yes (3)	Yes (3)
Sierra Leone	No	No	Yes (1)	No	No
Solomon Islands	No	No	Yes (1)	Yes (1)	No
Tanzania	Yes (2)	Yes (1)	Yes (2)	Yes (1)	Yes (2)
Togo	No	Yes (1)	No	No	No
Uganda	Yes (2)	Yes (1)	Yes (3)	Yes (3)	Yes (2)
Vanuatu	Yes (1)	No	Yes (2)	Yes (1)	Yes (1)
Zambia	No	No	Yes (2)	Yes (1)	Yes (5)

ANNEX G SUPPLY OF ASSISTANCE TO LDCS BY CO-OPERATION PARTNERS

This table indicates which individual LDC WTO members have been explicitly stated as direct beneficiaries of country-level technical assistance related to implementation of the TRIPS agreement in one or more of the TRIPS Art. 67 submissions made annually by developed countries, IGOs, and the WTO Secretariat to the WTO TRIPS Council from 2008 to 2012.

It should be noted that the donor countries and IGOs making TRIPS Art. 67 submissions over the period may have provided a range of non-country level technical assistance activities beyond those reported here over the period (e.g. regional-level workshops or thematic training events organised at the global level in which LDC WTO members have participated).

Co-operation Partner	2012	2011	2010	2009	2008
Australia	Cambodia Vanuatu	Samoa	N/a	N/a	Myanmar
Austria	N/a	N/a	Cambodia	N/a	N/a
Belgium	DR Congo Uganda	DR Congo Uganda	N/a	N/a	N/a
Canada	Bangladesh Burkina Faso Tanzania	Bangladesh	Bangladesh Nepal	Bangladesh Senegal Uganda	Cambodia Zambia Angola Bangladesh
Germany	N/a	N/a	N/a	Cambodia DR Congo	Burundi DR Congo
Finland	N/a	N/a	Cambodia	Cambodia	N/a
France	N/a	Cambodia Madagascar Mali	N/a	Burkina Faso DR Congo	Bangladesh Burkina Faso Cen. Afr. Rep. Cambodia
Japan	Cambodia Gambia Tanzania Uganda	Samoa Cambodia Nepal	Cambodia	Cambodia Myanmar	Cambodia Myanmar
New Zealand	N/a	Samoa	Samoa	N/a	N/a
Portugal	N/a	Angola Mozambique	N/a	Angola Mozambique	N/a
Switzerland	Bangladesh Cambodia	N/a	N/a	N/a	N/a
United Kingdom	N/a	N/a	N/a	N/a	Uganda

United States of America	N/a	Burkina Faso Mali Nepal	Mali Senegal Tanzania Uganda Zambia Burundi	Gambia Mali Cambodia DR Congo Nepal	DR Congo Gambia Mali Nepal Mauritania
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International Organisations	2012	2011	2010	2009	2008
ARIPO	N/a	N/a	Gambia Uganda Zambia	N/a	N/a
European Union	N/a	Bangladesh	Solomon Islands Vanuatu	Uganda Zambia Vanuatu	Zambia Senegal Vanuatu
UNCTAD	N/a	Mozambique Rwanda Zambia	Cambodia Uganda	Bangladesh Madagascar Rwanda	Bangladesh Rwanda
UPOV	N/a	Mali Togo Tanzania	Tanzania	Cambodia Mozambique Senegal Tanzania	Bangladesh Cambodia Madagascar Senegal Tanzania
WCO	N/a	Burkina Faso	N/a	Senegal	N/a
WHO	N/a	N/a	N/a	Cambodia Solomon Islands	Zambia
WIPO	N/a	Burundi Lesotho Rwanda	Angola Malawi DR Congo Mali Rwanda Sierra Leone	Cambodia Uganda Bangladesh Gambia Lesotho Malawi Mozambique Nepal Niger	Angola Bangladesh Cambodia Djibouti Guinea Guinea Bissau Lesotho Malawi Mozambique Senegal Tanzania Zambia DR Congo Madagascar Nepal Rwanda Uganda
WTO	N/a	N/a	Senegal	Madagascar Mali Mozambique	Angola Bangladesh Cen. Afr. Rep.

					Zambia
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