



Africa IP Forum: Intellectual Property and Economic Growth and Development in Africa

WIPO Development Agenda: What it means for Africa

Descriptions: Origins of the Development Agenda, Implementation of Development Agenda, Impact on Africa

Herman NTCHATCHO
Senior Director, Department for Africa
and Special Projects

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I. Some considerations on Africa and Development: Past, Present and Future

Please refer to Annex I attached

II. IP and Africa's Development

- ❑ The concept of IP for development emphasizes the notion that Intellectual Property (IP) is not an end in itself but rather is a tool that could power the process of economic growth and development in developing and least developed countries (LDCs)
- ❑ WIPO ensures/emphasizes that all countries benefit from the use of IP for economic, social and cultural development.

WIPO as a premier inter-governmental institution

WIPO is the Premier intergovernmental organization and lead UN Agency mandated to promote the protection of IP – through cooperation among States [185 current membership] and in collaboration with other international organizations:

- World Trade Organization (WTO)
- World Health Organization (WHO)
- European Patent Office (EPO)
- African Intellectual Property Organization (OAPI)
- African Regional Intellectual Property Organization (ARIPO)

Discussion of IP in multilateral fora

III. WIPO's Development Agenda

- ❑ WIPO's Development Agenda emphasizes the strategic importance and centrality of IP for Development and the need to address the challenge of development by:
 - integrating the specific needs and priorities of the developing and the LDCs; and
 - leveraging all the resources available across WIPO – i.e. not only WIPO's development specific programs, but all of its substantive areas of work and programs.

- ❑ In brief, the Development Agenda is concerned with ensuring that development considerations form an integral part of - or in other words are mainstreamed in - WIPO's programs and activities.

- ❑ At the official launching of the WIPO Development Agenda in October 2007, WIPO General Assembly adopted a set of 45 recommendations aimed at enhancing the development dimension of WIPO's activities.

The 45 recommendations are grouped into **6 clusters**:

- ❑ Technical Assistance and Capacity Building (14 recommendations).
 - ❑ Norm-setting, Flexibilities, Public Policy and Public Domain (9 recommendations).
 - ❑ Technology Transfer, Information and Communication Technologies and Access to Knowledge (9 recommendations).
 - ❑ Assessment, Evaluation and Impact Studies (6 recommendations).
 - ❑ Institutional Matters (6 recommendations)
 - ❑ Other Issues (1 recommendation).
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- ❑ <http://www.wipo.int/ip-development/en/agenda/recommendations.html>

- With respect to implementation, WIPO DA comprised two sets of recommendations:
 - Recommendations to be immediately implemented within WIPO's regular budgetary resources. (19)
 - Recommendations requiring a phased and gradual implementation subject to the availability of additional resources (20 millions Swiss francs) to be approved by WIPO's General Assembly (GA) and integrated in WIPO's Program and Budget. (26)
 - The International Bureau adopted a project approach involving the testing and validation of new activities showcasing the link between IP and development as well as the impact of IP on the process of economic development.

IV. Menu of projects implemented within the framework of the Development Agenda

IV. (1) IP Strategy and Plans

IP and Innovation Policies and Plans

- The adoption and implementation of strategic IP and innovation policies and plans as power tools for economic development (Rec. 4). WIPO shall assist Member States at their request to set up appropriate national strategies in the field of intellectual property (Rec. 4)

- Shortcomings of National IP systems in Africa

- **The crosscutting nature of IP is not sufficiently acknowledged:**
 - Agriculture, key sectors of industry: manufacturing, chemistry, biotechnology, informatics, electronics (ICT), creative industries (music, films, publishing, computer software) R&D, applied research.
 - Access to medicines and public health
 - Trade (import, export)

- **Public authorities are slow in taking advantage of all the potential benefits of the IP system:**
 - In general IP is not accorded a prominent place in national political and economic agendas of African countries

- **Lack/or weakness of institutional links with**
 - Other ministries that prima facie could be interested in IP (higher education, technical and scientific, agriculture, health, industry, mines and energy etc...
 - Institutions such as universities, R&D, employers' associations, chambers of commerce and industry, other consular chambers, private sector etc...

- **Institutional weakness of IP and Copyright (CR) administrations**
 - ❖ The various services and/or directorates belong to distinct ministries
 - Industry and trade or justice for IP
 - Culture or justice for CR

- Inadequacy of financial and material resources available for IP institutions and CR collective management organizations

- Lack or inadequacy of IP management policy

The above-mentioned problem areas underline the importance of **national IP innovation strategies and policies**:

- Vision document, which acknowledges the catalytic role of IP in the **process of economic value creation** in particular as regards specific sectors (industrialization, agriculture, health, manufacturing industry, commerce, creative industries etc...)
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- Most IP Strategies and Plans take into account the orientations of **strategic development blueprints (prospective vision documents)** which have been elaborated by a number of countries for the coming decades: Rwanda 2020, Kenya 2030, Cameroon 2035, Gabon 2025, Uganda 2035.
- The Regional Bureau for Africa cooperate with countries – upon their request for the drafting of IP strategic and policy documents: Botswana, Burundi, Cameroon, Chad, Democratic Republic of Congo, Republic of Congo, Ghana, Lesotho, Nigeria, Senegal, Seychelles, Sierra Leone, Zimbabwe

- Several African countries have already adopted IP policies and plans: Liberia, Mozambique, Rwanda, Senegal, Seychelles and Zambia.
- Two countries have been receiving WIPO's technical assistance in the framework of WIPO's development Agenda projects – Mali and Tanzania
- OAPI has recently invited its Member States to engage in the formulation of national IP Strategies – a process in which it has committed to cooperate closely with WIPO.

Contents of IP Strategic Plans

❑ **The IP strategic Plan describes:**

- The policies which governments formulate and implement in a coordinated manner at the national level with a view to utilizing the IP system as a catalyst for the creation of economic value.

❑ **The design and formulation of the IP Strategic Plan comprise several steps:**

- **National stakeholders** committee, including various stakeholders; Intersectoral composition: ministries and departments; administrations and public institutions, private sector and civil society.
- International and national consultants. **Methodology**: needs assessment, inventory, review of areas of competitive advantages and of national assets
- National validation workshop

❑ **As regards some key issues considered:**

- Identification and enhancement of possible linkages between the IP system and different sectors of the economy (agriculture, health, commerce, culture, justice, tourism, mines, sports etc...)

❑ **Adoption of measures designed to encourage and support:**

- The effective creation of IP portfolio (innovation, R&D).
- Protection of IP (laws and regulations, enforcement).
- Commercialization of national IP assets (Business identifiers, Branding etc..).
- Implementation of concrete IP based value creation activities.

IV. (2) Legislative and Norm Setting including use of Flexibilities

Legislative activities shall reflect the **standard TACB principles**:

- Be inclusive and member driven
- Development oriented and take into account the needs and priorities and the special needs of LDCs and
- Different levels of development (Article 13)
- Take into consideration a balance between costs and benefits
- Include timeframes for completion and monitoring evaluation mechanisms

- WIPO's norms setting activities should be undertaken in conformity with the development objectives as stated in the Millennium Development Goals (MDGs) of the United Nations and shall pay special attention to issues such as:



- safeguarding national implementation of IP rules
- links between IP and competition
- IP related transfer of technology
- flexibilities, exceptions and limitations for Member States
- the possibility of additional special provisions for developing countries and LDC's (Rec. 22, 15)
- Policy space as provided for in the TRIPs Agreement (Rec. 14)

IV. (3) Establishment of specialized IT Platforms to foster access to knowledge

IV. (3) 1 To facilitate access to scientific and technical information, e.g. patent information and non patent literature:

- Recommendation 8 requests WIPO to develop agreements with **research institutions** and with **private enterprises** to facilitate access to specialized databases for the purpose of patent search by national IP offices, regional and sub-regional organizations.

The vehicle for the implementation of this recommendation is the Technology Innovation Support Centre (TISC) program which includes:

- i. Establishing TISC infrastructure and Knowledge Management Platform to facilitate exchange between TISCs at the national, regional and international levels, disseminating information materials to TISCs and the public.
- ii. enhancing the use and improving access to specialized patent and non patent databases.

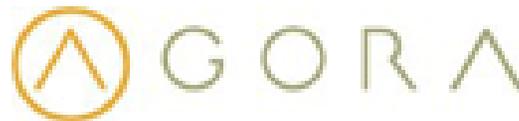
The TISC is implemented through several activities and programs including:

- The ARDi program (Access to Research for Development and Innovation) coordinated by WIPO with its partners of scientific publishing houses which facilitate access to scientific and technical journals, and this ensure the integration of developing countries in the global knowledge economy as well as support their efforts to create and find new solutions to the challenges facing them.



- Since 2012 the number of active ARDi users has increased by over 100 percent to 70 institutions, another 30+ institutions have registered to access the ARDi resources.

- ❑ ARDi joined the « RESEARCH 4 LIFE » (R4L) partnership in 2012 which provides developing and LDCs:
 - online access to scientific and technical information critical for research and innovation, on free basis or at a fairly low cost
 - Comprises the following programs:
 - HINARI of WHO (online access to research reviews in health),
 - AGORA of FAO (online access to research on agriculture), and
 - OARE of UNEP (online access to research on environment)



- ❑ The Access to Specialized Patent Information (ASPi) program which facilitates access to specialized commercial databases is also attracting more users although at a slower pace. 30 users including 12 institutions are currently active users of database available through ASPi. (Launched in 2010 by WIPO in partnership with private sector companies (Lexis Nexis, Proquest, Thomson Reuters, Questel etc.).)



IV. (3) 2 IP- Technical Assistance Database (IP-TAD)

- The database was developed in response to Development Agenda Recommendation No. 5.
- Recommendation 5: WIPO shall display general information on all technical assistance activities on its website, and shall provide, on request from Member States, details of specific activities, with the consent of the Member State(s) and other recipients concerned, for which the activity was implemented.
- The WIPO Intellectual Property Technical Assistance Database (IP-TAD) contains information on technical assistance activities undertaken by the Organization where one or more of the beneficiary countries were either developing or a least developed country or a country in transition.

IV. (3) 3 IP- Development Matchmaking Database (IP-DMD)

- WIPO's Development Matchmaking Database offers a **user-friendly process** to match member states' **IP-related development needs** with **available resources**.
- It was developed in response to Recommendation 9, namely: "Request WIPO to create, in coordination with Member States, a database to match specific intellectual property-related development needs with available resources, thereby expanding the scope of its technical assistance programs, aimed at bridging the digital divide."

IV. (4) IP and Product Branding for Business Development

- ❑ IP and Product Branding for Business Development in Developing Countries and Least Developed Countries (LDCs)
 - Emphasis on the needs of **small and medium-sized enterprises (SMEs)** and institutions dealing with scientific research and cultural industries and assist Member States, **in setting up appropriate national IP strategies.**
 - To assist Member States to develop and improve national IP institutional capacity through development of infrastructure and other facilities with a view to making national IP institutions more efficient and promote fair balance between IP protection and the public interest.
- ❑ The project supports small and medium-sized enterprises (SMEs), especially associations of local groups of farmers and producers in DC and LDCs, in the design and **implementation of strategies** for the **appropriate use of IP in product branding.**

- ❑ In this way, the project helps to promote the development of local communities and strengthen capacities, at the community and institutional levels, by focusing on the promotion and the strategic use of IP, particularly geographical indications (GI), and trademarks (TM).
- ❑ The use of IP Rights in particular GI and TM, can help **add value to their products, increase export income** and alleviate poverty.
- ❑ Most importantly, traditional production methods, coupled with innovative procedures and the commitment of local communities, can be instrumental to set new standards of social, economic and environmental development. Institutional capacities for the effective use of IP, appropriate infrastructure and facilities are also developed as part of the project.

- ❑ In Africa the project has been implemented with a focus on:
- ❑ Supporting local communities and other stakeholders in Uganda. IP and branding strategies were developed for vanilla, cotton and sesame, based on a thorough assessment of each product.
- ❑ Stakeholders consultations were held to approve the above strategies and resulted in the registration of:
 - a certification mark for vanilla,
 - a company trademark for sesame oil
 - a certification mark for cotton is pending
- ❑ Capacity-building workshops were carried out for producers and local institutions as well, with a view to strengthen their understanding and management of IP and branding notions.

Documentation and awareness-raising:

- A series of video documentaries were produced for the purpose of documenting and raising awareness on the challenges and opportunities faced by each community in the branding and commercialization of their unique, origin-based products.
- A series of case studies is also being prepared in order to document the various project experiences and their results.

Establishment of “Start-up” National IP academies - “Mini Academy”

IV. (5) Project for the Establishment of “Start-up” National IP Academies

- The overall objective of the “Start-Up” National IP Academies project is:
 - to strengthen national and regional institutional and human resource capacity
 - develop infrastructure and other facilities with a view to making national institutions more efficient
 - promote a fair balance between IP protection and the public interest as well as
 - to meet the increasing local demand for IP specialists, professionals, government officials and other stakeholders.

□ In Africa the project is focusing on: Egypt, Ethiopia, and Tunisia.

- The Egyptian Academy of Scientific Research and Technology (ASRT) is in the process of designing a long-term strategy and vision for the national IP Academy and defining priority actions, target audience and trainers for its national IP training institution.
- The Ethiopian Intellectual Property Office (EIPO) has identified as a priority, the translation into Amharic and offering of the general distance learning course of the WIPO Academy and a project is being set for this outcome.
- *Institut National de la Normalisation et de la Propriété Intellectuelle* (INNORPI) of Tunisia is in the process of developing a general course on Intellectual Property for external audiences.

Several other projects were also implemented in the framework of the Development Agenda covering a wide range of subjects inter alia:

- Strengthening the Capacity of National IP Governmental and Stakeholder Institutions to Manage, Monitor and Promote **Collective Industries**, and to Enhance the Performance and Network of Copyright Collective Management Organizations (**CMO**);
- Capacity Building in the Use of **Appropriate Technology-Specific** Technical and Scientific Information as a Solution for identified Development Challenges;
- Patents and Public Domain;
- Enhancing South-South Cooperation and IP Development among Developing Countries and Least-Developed Countries;

The overarching goal pursued through the implementation of the abovementioned projects is to test and validate new activities which establish the link between IP and development and showcase the contribution of IP in enhancing national capacities and creating value for the benefit of national economies.

■ THANK YOU!