

DRAFT (second version)



**AN ACT TO ESTABLISH
THE LIBERIA INTELLECTUAL PROPERTY OFFICE,
2014**

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WHEREAS,

PART I

Preliminary Provisions

§ 1.1. Definitions

In this subchapter, unless the context otherwise requires;

Board of Directors;

Liberia Intellectual Property Office;

and

(d) screen technolog

- (ii.) Has fulfilled the asset declaration requirement prescribed by the Government of Liberia not later than the day before reporting for confirmation by the Senate.
- (d) The Director General for Copyright shall possess the following minimum qualifications and experience:
- (i.) has a bachelors degree in liberal arts, Management, Economics, Public Administration, Journalism, English or Sociology, and a certificate of achievement or its equivalent in Copyright with a minimum of three years experience in Copyright; and
 - (ii.) has fulfilled the asset declaration requirement prescribed by the Government of Liberia not later than the day before reporting for confirmation by the Senate.

§2.1. Duties of the Director General

- (a) The Director General shall be the Chief Executive Officer of the Office and shall perform the following duties:
- (i.) Be responsible for the day-to-day administration of the Office;
 - (ii.) Issue regulations pertaining to intellectual property law with the approval of the Board;
 - (iii.) Develop a national policy on intellectual property;
 - (iv.) Coordinate all activities affecting bilateral and multilateral agreements relating to intellectual property;
 - (v.) Establish a national public outreach and other programs within the Intellectual Property Office to enhance the protection of intellectual property rights and the development of intellectual property in Liberia, as well as cooperation with international competent authorities responsible for administration of intellectual property;
 - (vi.) Appoint staff as deemed necessary to assist the Office in the performance of its functions;
 - (vii.) Oversee recruitment, retirement, promotions, dismissal of personnel of the Office in keeping with human resources policies.
 - (viii.) Supervise departments, and oversee divisions, sections and units of the Office in order to ensure effective and efficient performance of their respective functions and duties, and that they are in line with international best practices;

(ix.) Ensure implementation of administrative instructions relating to procedures under intellectual property acts;

(x.) Authorize the correction of any error of translation or transcription, clerical error or mistake in any application, document or recording filed with the Registrar, as well as the extension of time for doing any act or taking any proceeding provided by intellectual property acts or regulation;

(xi.) Perform such other functions relating to intellectual property as are incidental to the position of a director of intellectual property office.

(b) The Director General shall discharge his duties, when expedient, in collaboration with the Ministry of Justice, Ministry of Commerce, Ministry of Finance and Development Planning, the Liberia Revenue Authority and other relevant agencies of the Government.

(c) The Director General shall conduct administrative hearings regarding patents, trademarks and copyrights upon receipt of complaints by interested parties, render administrative decisions and issue orders appealable to circuit courts within two months of the date of a decision

§2.2 Duties of the Deputy Director for Industrial Property

The Deputy Director General for Industrial Property shall be the head of the Industrial Property Department of the Liberia Intellectual Property Office and in that capacity shall: Industrial property rights include protection of results of technical creative work (patents and utility models), protection of design (industrial designs), rights to mark (trademarks, geographical indications and appellations of origin) and topography of semiconductor products.

(a)

- (h) Perform such other functions relating to intellectual property as are incidental to the position of a director of industrial property office.

§2.3. Duties of the Deputy Director for Copyrights

The Deputy Director General for Copyright shall be the head of the Copyright Department of the Liberia Intellectual Property Office and in that capacity shall:

- (a) assist the Director General in the operation of the Intellectual property Office in matters relating to Copyright;
- (b) Developing the Copyright Office Electronic Registration, Recordation and Deposit System
- (c) develop regulations covering Copyright for approval by the Director General;
- (d) Acquiring and assuring the security of materials received through mandatory deposit
- (e) Perform such other functions relating to intellectual property as are incidental to the position of a director of industrial property office.
- (f) Secure legal protection of databases
- (g) Conduct studies and programs regarding copyright, other matters arising under this title
- (h) Engage in cooperation with local and international copyright organizations.

§2.4. Appointment of Registrar

The Registrar shall be appointed by the Board of Directors of the Office and shall possess the following minimum qualification and experience:

- (i.) have acquired at least a bachelors degree in Finance or Accounting or a certificate of achievement or its equivalent in intellectual property with a minimum of three years experience in intellectual property and financial management;
- (ii.) fulfill the asset declaration requirement prescribed by the Government of Liberia not later than the day before s/he reports for confirmation by the Senate;

§2.5. Duties of Registrar

The Registrar shall perform the following duties:

- (a) Maintain registers for intellectual property registered with the Office to record all matters required by intellectual property laws;

(vii.)

(f) open a banking account or banking accounts for the funds of the Institute; and

§3.5. Conduct of the business and Affairs of the Board

The conduct of the business and affairs of the Board shall be as provided in its By-Laws.

§3.6. Secretariat of the Board

The Office shall serve as Secretari and coordinate the action of Board members. The Office shall ensure proper liaison with relevant international organizations, and facilitate the transmission of information and data to competent

§3.7. Staff of the Office

The Board may approve to be appointed by the Director General including assistant directors, the registrar, examiners and such officers or other staff of the Institute as are necessary for the proper discharge of its functions under this Act or regulation, upon such terms and conditions of service as the Board may determine.

§3.8. Financial year

The financial year of the Institute shall be the period of twelve months ending on thirtieth June in each year.

§3.9. Accounts and Audits

(a)The Board shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the Office.

(b) At the end of each financial year, the Board shall submit to the Auditor-General pursuant to the Public Finance Management Law, the accounts of the Office together with:

(i.) a statement of the income and expenditure of the Office during that year; and

(ii.) a statement of the assets and liabilities of the Office on the last day of that year.

§3.10.

copyrights, statistics on intellectual property, income generated and such other relevant facts as it may deem proper.

PART IV

TRANSITIONAL PROVISIONS

§4.1. Transitional provisions

Upon the effective date of this Act, the following actions shall be considered automatically taken:

- (a) the person serving as Director General of the Industrial Property Office shall serve as Acting Director General of the Office;
- (b) the assets, personnel and remaining budget of the Copyright Office shall, in a holdover capacity, continue to perform their respective duties and responsibilities to and receive the corresponding salaries and benefits until the new position structure and staffing pattern of the Office shall be prescribed by the Director General of the Office and approved by the President.
- (c) Incumbents whose positions are not included in the orgnogram of the Office or who may not be re-appointed shall be deemed redundant. Redundant employees shall be paid severance benefits consistent with the laws of Liberia. In the case of employees who meet eligibility for retirement, they shall receive such retirement benefits as provided for under the laws of Liberia; and
- (d) All existing assets, liabilities and obligation of the two agencies shall be transferred to the Office.

SECTION 3: This Act shall take effect immediately upon publication in Handbills by the Ministry of Foreign Affairs.

ANY ACT TO THE CONTRARY NOTWITHSTANDING