

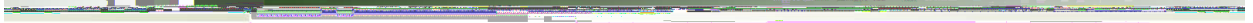
## 4. IDENTIFYING LDC NEEDS

### 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 28<sup>th</sup> 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:

- x 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 ¶ regular and effective participation in meeti



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:

- x 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.
- x 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.
- x 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.
- x In 2011, a national IP advisory group was formulated under the Uganda National

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

## 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:

- x IP policy.
- x Encouragement and commercialisation of creation and innovation.
- x 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

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 28<sup>th</sup> May 2010, Rwanda communicated its needs to the TRIPS Council. The submission HQ F D S V X O D W H V 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 24<sup>th</sup> 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:

- x Increasing technological literacy and advanced scientific and technological skills that



to sensitise



IPR were mentioned initially in 7 D Q ] D Q E L F D T I S 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.<sup>164</sup>

## 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 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



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.

6 H Q H J B I O N T M S (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.<sup>166</sup>

## 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:

- x 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.
- x Pillar 2: strengthening of human resources and infrastructures for the implementation of TRIPS. S

As noted in M D O E I P T I S (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

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

Strategic objective 4 - strengthening IP enforcement and regulation regime:

- x Organisation of IP forums and events down to the grassroots level to reach out directly to the population and provide information.
- x Set up of a coordinating structure in the form of a committee.
- x Capacity building of all economic and social actors in their respective areas to fulfil role effectively.
- x 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:

- x Assistance for health departments.
- x Materials and equipment needed for the production of medicines.
- x Capacity building on standardisation of control procedures for pharmaceutical, phytosanitary and veterinary products.
- x Assistance for the body responsible for protecting inventions deriving from pharmaceutical and phytosanitary products.

Madagascar DUEP/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

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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  
FRXQWU\¶V QHHGV

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financial assistance is required. Existing patent protection must be enhanced with capacity  
development included as a priority.

1HSDO¶V 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.<sup>168</sup>

1HSDO¶V 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-



## 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.

/HVRWIRMS (2003) and corresponding Action Matrix identifies deeper integration ZLWK 6RXWK \$IULFDV ,35 UHJLPH WKURXJK WHFKQLFDO DVV expertise and support for administrative re-organisation.

7KH VWXG\ UHFRPPHQGV WKDW on-site implementing the TRIPS Agreement through regulatory integration at the regional level, rather than attempting to implement it independently. Regional coopera