

WORLD TRADE  
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Council for Trade-Related Aspects of

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LIST OF ABBREVIATIONS

ADEPME	SME Development and Support Agency
TRIPS	Trade-Related Aspects of Intellectual Property Rights
ARESA	National Agency for Applied Scientific Research
ASPIT	Senegalese Agency for Industrial Property and Technological Innovation

## I. INTRODUCTION

1. The WTO TRIPS Council Decision of 29 November 2005 extended the transition period for least developed countries (LDCs) to implement the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) until July 2013. At the same time, LDCs are not obliged, with respect to pharmaceutical products, to im

## II. NATIONAL CONTEXT

### A. INTELLECTUAL PROPERTY: POLITICAL AND LEGAL FRAMEWORK

7. Senegal has a fairly substantial legal framework in intellectual property. It consists of legal texts that deal with the subject matter directly or others that address only certain aspects of IPRs. Senegal is also a party to several international, regional and multilateral agreements and treaties on IP currently in force.

#### 1. Domestic legislation

- Law No. 2008-09 of 25 January 2008 on Copyright and Related Rights  
<http://www.wipo.int/wipolex/en/details.jsp?id=5764>
- Act No. 2008-12 on the Protection of Personal Data  
<http://www.wipo.int/wipolex/en/details.jsp?id=6229>
- Law No. 2008-11 on Cybercrime  
<http://www.wipo.int/wipolex/en/details.jsp?id=6226>
- Guidance Law on Information Society  
<http://www.wipo.int/wipolex/en/details.jsp?id=6338>
- Senegalese Customs Code  
<http://www.wipo.int/wipolex/en/details.jsp?id=6219>
- Basic Law No. 65-60 of July 1965 (Penal Code of the Republic of Senegal)  
<http://www.wipo.int/wipolex/en/details.jsp?id=6336>
- Decree No. 2004-733 of 21 June 2004 establishing a Public Registry of Cinematography and Audiovisual Works  
<http://www.wipo.int/wipolex/en/details.jsp?id=6224>

#### 2. Regional legislation

- Charter for African Cultural Renaissance  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=21&treaty\\_id=309](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=21&treaty_id=309)
- Cultural Charter for Africa  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=21&treaty\\_id=308](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=21&treaty_id=308)
- Bangui Agreement (AIPO)  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=21&treaty\\_id=227](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=21&treaty_id=227)

#### 3. Multilateral texts

- Madrid Protocol  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=8](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=8)
- Budapest Treaty  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=7](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=7)
- Brussels Convention  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=19](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=19)
- Performances and Phonograms Treaty  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=20](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=20)
- Copyright Treaty  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=16](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=16)
- Nairobi Treaty  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=22](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=22)
- Hague Agreement  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=9](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=9)
- Patent Cooperation Treaty  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=6](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=6)
- WIPO Convention  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=1](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=1)
- Paris Convention  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=2](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=2)
- Berne Convention  
[http://www.wipo.int/wipolex/en/wipo\\_treaties/details.jsp?treaty\\_id=15](http://www.wipo.int/wipolex/en/wipo_treaties/details.jsp?treaty_id=15)
- Optional Protocol to the Convention on the Rights of Persons with Disabilities  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=260](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=260)
- United Nations Convention on the Use of Electronic Communications in International Contracts  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=300](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=300)
- United Nations Convention on Jurisdictional Immunities of States and their Property  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=259](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=259)
- Convention on the Rights of Persons with Disabilities  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=258](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=258)
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=285](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=285)
- International Treaty on Plant Genetic Resources for Food and Agriculture  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=255](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=255)

- Convention Relating to the Status of Stateless Persons  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=290](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=290)
- International Plant Protection Convention  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=276](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=276)
- WHO Framework Convention on Tobacco Control  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=275](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=275)
- Kyoto Protocol to the United Nations Framework Convention on Climate Change  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=278](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=278)
- Stockholm Convention on Persistent Organic Pollutants  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=265](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=265)
- Cartagena Protocol on Biosafety  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=256](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=256)
- Convention on Biological Diversity  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=254](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=254)
- United Nations Framework Convention on Climate Change  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=268](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=268)
- Agreement Establishing the World Trade Organization (WTO)  
[http://www.wto.org/english/docs\\_e/legal\\_e/04-wto.pdf](http://www.wto.org/english/docs_e/legal_e/04-wto.pdf)
- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)  
[http://www.wto.org/english/docs\\_e/legal\\_e/27-trips.pdf](http://www.wto.org/english/docs_e/legal_e/27-trips.pdf)
- United Nations Convention on the Law of the Sea  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=291](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=291)
- Protocol (II) additional to the Geneva Conventions of 12 August 1949  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=282](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=282)
- Protocol (1) additional to the Geneva Conventions of 12 August 1949  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=281](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=281)
- Convention on Transit Trade of Landlocked States  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=293](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=293)
- Convention concerning the Protection of the World's Cultural and Natural Heritage  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=289](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=289)
- Universal Copyright Convention 1971  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=205](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=205)
- Protocol 1 Annexed to the Universal Copyright Convention 1952  
[http://www.wipo.int/wipolex/en/other\\_treaties/details.jsp?group\\_id=22&treaty\\_id=209](http://www.wipo.int/wipolex/en/other_treaties/details.jsp?group_id=22&treaty_id=209)





particular because the necessary R&D facilities are lacking. Although the technologies used are for the most part imported, technology transfer is extremely limited. Virtually no patents are registered locally.

14. Technology transfer undeniably plays a vital role in the overall development of a country. Institutional linkage between our local research institutions and that of international organizations needs to be more deeply rooted.

15. Although Article 66.2 of the TRIPS Agreement requires developed country Members to provide incentives to encourage technology transfer to LDCs for the purpose of capacity building, its enforceability remains a problem.

### III. NATIONAL INTELLECTUAL PROPERTY DEVELOPMENT PLAN

16. The National Intellectual Property Development Plan (PNDPI) can be described as a strategy for IP development which aims to create a framework for Senegal to protect and promote the 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 set up and strengthening of the bodies responsible for the promotion of intellectual creations.

17.

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Programme 6: Providing Small and Medium Enterprises/Industries (SME-SMI) with appropriate technologies.

TRIPS Agreement, taking as a basis the intellectual property development strategy worked out from the responses and suggestions made in the course of consultations with the various stakeholders and in the context of talks held at national level. The results evaluation covers IP policy and legal framework, administration, IPR observance and regulation, promotion of innovation, technology transfer incentives and the use of intellectual property as a tool for development.

31. Annex B contains an indicative time-frame of long-term national programme aimed at IPR capacity building in keeping with Senegal's needs.

Annex A

Priority needs for technical and financial cooperation to take steps necessary  
to implement the TRIPS Agreement

1. Administration of IPR

- Creation of a National Council for the Coordination of Intellectual Property (CNPCI) to ensure better coordination of national IP policy;
- creation of the Senegalese Agency for Literary and Artistic Property (ASPLA) to advise the State and policymakers on literary and artistic property matters;
- creation of the Copyright Collective Management Society (SGCDA) as foreseen by



- training of pilot operators in licensing techniques and the use of patent documents to ensure technological monitoring of companies;
- training of staff from ASPIT, the Food Technology Institute (SRA), and academic circles in research and the use of industrial design documentation;
- awareness raising of traditional healers and training to preserve the environment and traditional knowledge in order to safeguard

- support for cultural industries by providing them with a secure investment-friendly environment;
- support for the IP programme of ADEPME and the Chambers of Commerce to encourage innovation and speed up the registration of patents with the African Intellectual Property Organization (OAPI);
- development of business education and awareness about IP for SMEs. There is a



Annex B

Indicative Timetable

STRATEGIC GOALS AND OBJECTIVES	IDENTIFIED NEED

STRATEGIC GOALS AND OBJECTIVES	IDENTIFIED NEED S FOR TECHNICAL AND FINANCIAL ASSISTANCE	PROPOSED MAIN ACTIVITIES TO ADDRESS NEEDS	LEAD NATIONAL AGENCIES	PROVISIONAL TARGET TIMETABLE
<p><u>Project No. 2:</u> Updating IP policy and legal framework</p>	<p>Coordination and development of national IP support policy.</p> <p>Strengthening of the IP policy and legal development and coordination capacity in the Ministries of Industry, Culture, and Trade.</p> <p>Accession to certain legal instruments.</p> <p>Support for the training of policymakers on IPR concepts, TRIPS and international IPR conventions.</p> <p>Support for IP legislative reform and policy coherence.</p> <p>Regular and effective participation of Senegal in meetings of the WTO TRIPS Council and WIPO as well as all related negotiations.</p>	<ul style="list-style-type: none"> <li>Adoption of laws on patronage and the status of the artist.</li> </ul>		

STRATEGIC GOALS AND OBJECTIVES	IDENTIFIED NEED S FOR TECHNICAL AND FINANCIAL ASSISTANCE	PROPOSED MAIN ACTIVITIES TO ADDRESS NEEDS	LEAD NATIONAL AGENCIES	PROVISIONAL TARGET TIMETABLE
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- Training of pilot operators in licensing techniques and the use of patent documents to ensure technological monitoring of companies.
- Training of staff from ASPIT, ITA, ISRA and the UCAD in research and the use of documentation on industrial creation.
- Awareness raising of traditional healers and training to preserve the environment and traditional knowledge.
- IP training for employers and GI/CM experts.
- IP documentation for employers, the CCIA, the SME/SMI support structures, judges and judicial assistants.
- Enhancement of cooperation with foreign enforcement agencies on

STRATEGIC GOALS AND OBJECTIVES	IDENTIFIED NEED S FOR TECHNICAL AND FINANCIAL ASSISTANCE	PROPOSED MAIN ACTIVITIES TO ADDRESS NEEDS	LEAD NATIONAL AGENCIES	PROVISIONAL

STRATEGIC GOALS AND OBJECTIVES

IDENTIFIED NEED S FOR TECHNICAL