

Role of IP Offices in Promoting Innovation, Business  
Competitiveness Economic and Growth

## ***Topic 4 (a) Formulation of IP Policies:***

*Methodological Issues: Conducting IP Audits, Setting the  
Objectives, Identifying Priority Areas, Alignment with  
National Developmental Goals*

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# Agenda

- Methodology
- Alignment with national development priorities and goals
- Key phases in developing a NIPS
- Setting the objectives of a NIPS
- Needs assessment of priority areas

# Four key dimensions of a national IP regime:

- Policy and legislation
- Administration
- Enforcement of rights and regulation of the marketplace
- Exploitation for research, innovation, business and consumers

# Methodology

- **An inclusive process: active participation of all key stakeholders to ensure “ownership”**
  - Government: Ministries and other key governmental institutions, including those that deal with development issues, innovation, science and technology, R&D, SMEs, enforcement, culture, education, agriculture, trade, health, environment, etc.
  - National IP offices (industrial property, copyright, traditional knowledge and cultural expression, bio-diversity)
  - Academia, R&D institutions, IP practitioners
  - SMEs, NGOs/IGOs, civil society, etc.

# Key phases in development of a NIPS:

## Phase 1

- gaining clear understanding of national developmental plans and goals
- assessment of country's current IP regime

## Phase 2

- determination of what is required to enable the IP regime to contribute to achieving national developmental goals
- identifying and analyzing gaps
- preparation of draft IP strategy and implementation plan to overcome gaps

## Phase 3

- validation of draft IP strategy with key stakeholders
- submission of draft strategy to government for approval
- implementation

# Steps in preparation of NIPS:

1. conduct literature research to identify development plans
2. Establish national IP “forum”, conduct needs assessment, including national IP audit and initial stakeholder interviews;
3. prepare 1st Draft NIPS document, including proposed implementation plans and audit mechanisms;
4. draft NIPS High-Level Implementation Plan:
  - highlighting activities, estimating timeframes, costs and accountabilities
  - identifying expected deliverables and outcomes, and
  - proposing audit and evaluation process and mechanisms;

# Steps in preparation of NIPS (cont'd)

4. validate findings, conclusions and proposed strategy with stakeholders (national IP forum);
5. finalize and obtain government approval of NIPS and project implementation documentation, i.e. strategy, high-level implementation plan, audit and evaluation plan, etc.
6. Initiate implementation.

## An important requirement: a national “IP forum”

- A national “IP Forum” is an **institutionalized venue** for bringing together all those who have, or should have, a vested interest in an effective national IP regime, including an appropriate IP strategy, legislative, administrative and enforcement framework.
- The forum should include an appropriate range of governmental and non-governmental stakeholders, **clearly mandated and properly equipped and funded** to remain up to date and informed on emerging IP issues on the international, regional and national agendas.



**While initial NIPS development is a “project”, implementation and review will be on-going...**

Once NIPS and project implementation documentation (i.e. strategy, high-level implementation plan, audit and evaluation plan, etc.) have been approved:

re-visit the high-level implementation plan and flesh out details, based on approvals, and draft detailed project plan

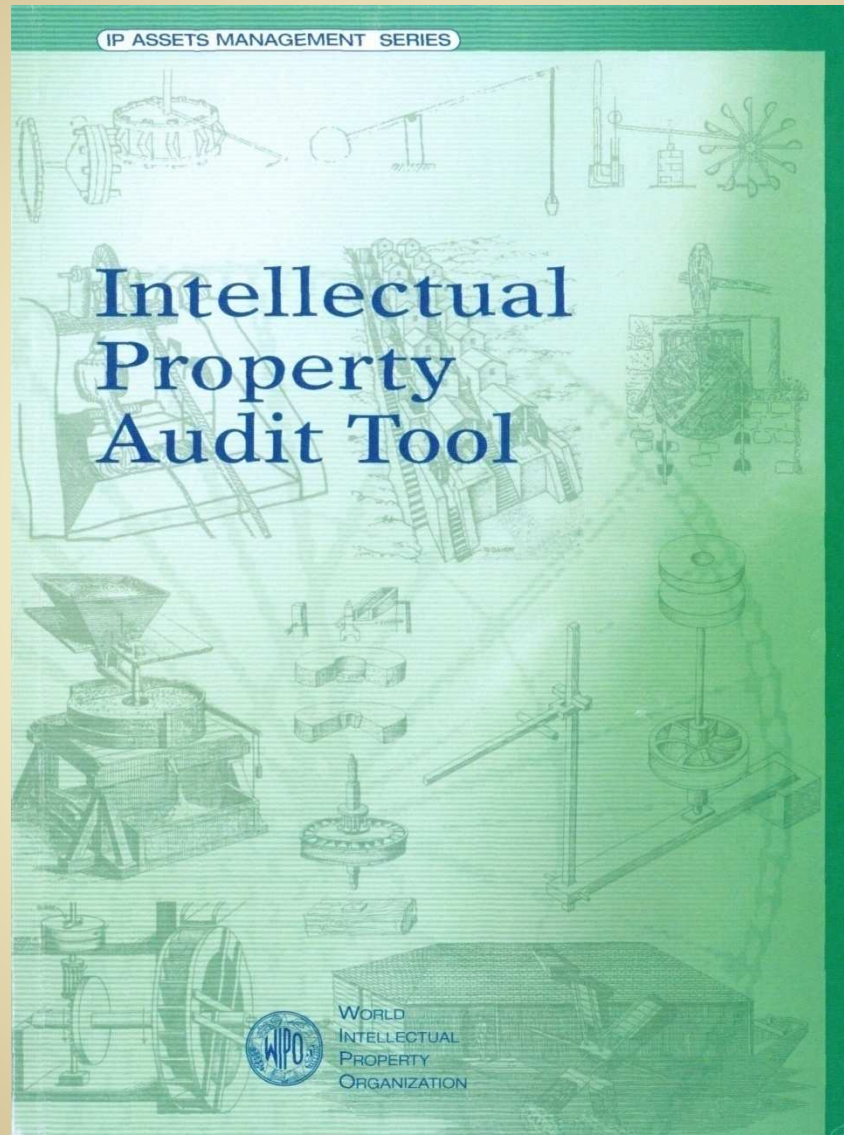
## A critical requirement: a comprehensive and structured needs assessment

- What are the public policy objectives that the country wishes to pursue through intellectual property?
- Where is the national IP regime today? How well does it serve the national economic and social interest and the country's international obligations?
- Where does it need to be in 5 -10 years time? What will be the policy goals for the IP regime in the future?
- What needs to be done to enable the national IP system to best achieve both immediate and future policy goals in that timeframe?

- No ready made template for needs assessment – each country and situation is unique
- The best process is one that will lead to clear objectives, implementable goals and measurable performance
- Published IP audit and needs assessment “tools” are available from WIPO and the International Centre for Trade and Sustainable Development (ICTSD)\*
- Benefit from the experiences of others

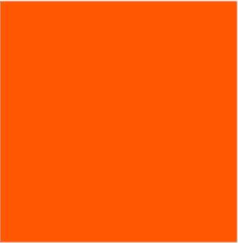
\* <http://www.iprsonline.org/ictsd/docs/LDCToolkit-final.pdf>

# National IP audit tool



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# Integrating Intellectual Property Rights and Development Policy



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**Report of the Commission on Intellectual Property Rights**

London September 2002

**CIPR** Commission  
on Intellectual  
Property Rights

# TRIPS Council Decision re LDCs

In extending the transition period for least developed countries and setting up the process of assessing needs, the TRIPS Council's [Decision of 29 November 2005](#) (document [IP/C/40](#)) contained three operational elements.

1. Least developed countries are asked to provide the TRIPS Council with as much information as possible on what they needed as a priority for technical and financial assistance. (They were originally asked to do this preferably by 1 January 2008.) The purpose is to help them take the necessary steps to implement the TRIPS Agreement. 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.

2. Developed countries are then asked to provide technical and financial help to least developed countries to address the identified needs effectively. This means that donors and countries or organizations providing technical assistance are also responsible for making the process work. The activities have to be coordinated to avoid complicating the least developed countries' officials' work. The coordination also ensures that the identified needs are followed up. The whole process remains demand-driven, centred on actual requirements each least developed country has identified.

This is in line with the general WTO policy where assistance is provided only upon request. So that the effort is successful, the least developed countries should actively participate in steering the process, which therefore relies on the continuing guidance of these countries separately and as a group.

3. The WTO is asked to enhance its [cooperation with the World Intellectual Property Organization \(WIPO\)](#) and other relevant international organizations. The two organizations are now cooperating more closely on 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.

- **Submissions received from least developed country members on their individual priority needs for technical and financial cooperation under the Decision of 29 November 2005:**
  - 2011: Senegal [IP/C/W/555](#)
  - 2010: Tanzania [IP/C/W/552](#)
  - 2010: Rwanda [IP/C/W/548](#) and [IP/C/W/548/Add.1](#)
  - 2010: Bangladesh [IP/C/W/546](#)
  - 2007: Uganda [IP/C/W/500](#) and [IP/C/W/510](#)
  - 2007: Sierra Leone [IP/C/W/499](#) and [IP/C/W/523](#)

# Assessing Technical Assistance Needs for Implementing the TRIPS Agreement in LDCs

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## A Diagnostic Toolkit

**By Mart Leesti & Tom Pengelly**

Saana Consulting

A Working Paper Commissioned by the International Centre for  
Trade and Sustainable Development (ICTSD)



International Centre for Trade  
and Sustainable Development

SAANA CONSULTING



# Summary of IP strategy development and implementation steps:

1. Desk-based research: collection and analysis of documents that define national economic, social and cultural development objectives.
2. Establishment of a national IP “forum”.
3. Data collection and analysis: “needs assessment” and “gap analysis” through audit of the current state of the national IP system (using WIPO audit tool, resource and management audit, etc.) and what it should look like in the future to support achievement of national development goals.
4. Formulation and articulation of the national IP strategy and its implementation “plan of action”.
5. Validation of the strategy and implementation plan of action through broad national stakeholder consultations.
6. Implement the plan of action.
7. Review of results and update NIPS and implementation plans.

# Leadership

- Political will and strong leadership at every level are essential requirements for successful development and implementation of a national IP strategy

Thank you