

3. STATE OF PLAY WITH IP SYSTEMS IN LDC MEMBERS

3.1 National level policies & measures in LDC members

Drawing on the publicly available data sources highlighted in Section 2, this section aims to present a factual overview of the current state of play in LDC members regarding a number of dimensions of their national IP systems.

It is important to note that the analysis is heavily constrained by the limited availability of data. The LDC members for which a significant amount of data is available (through the communication of their needs to the TRIPS Council and/or recent WTO TPRs/accession protocols) have been included as case studies. As noted above, this represents 17 of the 34 LDC WTO members.

For the remaining 17 LDC members, the data availability constraints are so significant that any conclusions made about the level of modernisation of these IP systems would not be robust or evidence-based. The LDC members included here should therefore not be considered a necessarily representative sample of the entire group of LDCs more widely as they have been selected only on the basis of availability of relevant information. Moreover, the fundamental premise of the TRIPS Council decision in November 2005 was for LDC members to identify and communicate their *individual* needs for technical and financial assistance.

Policy framework

Participating in international rule-making and implementing international agreements such as the TRIPS Agreement requires the preparation and implementation of a range of policies, laws and regulations.

Specifically, a robust national IP system requires policies cutting across trade and industrial policy, agriculture, public health, science and technology, culture and education. This in turn demands specialised technical and analytical skills as well as the ability to coordinate the policy development process so as to ensure the participation of key stakeholders both within and outside of government. An overall national IP strategy or development plan complements a national IP policy by setting common objectives and an agreed framework amongst different stakeholders to guide the systematic modernisation and utilisation of the IP system for economic, social and cultural development.

A number of LDC members have formulated IP policies and/or strategies, and national IP policy/strategy formulation processes are currently under way in a number of others, often with the support of WIPO. For example, Tanzania is currently finalising its IP policy whereas Nepal and Cambodia have initiated the process. In Cambodia, a significant step towards consolidating IPR policy-making, enforcement, and technical assistance was taken through the establishment of the National Committee for Intellectual Property Management in 2008. It is responsible for developing national policy on intellectual property, strengthening inter-agency cooperation, preparing and disseminating new laws and regulations, and acting as a clearinghouse for technical assistance relating to intellectual property.

WIPO has been playing an increasingly active role in the development of national IP policies, strategies and IP development plans in LDC members, in line with recommendations from the WIPO Development Agenda initiative. According to a WIPO report to the UN Special Adviser to Africa for 2011-2012, WIPO-supported national IP development plans or policies:

- Had been adopted and were in different stages of implementation in Mozambique, Rwanda, Senegal, Zambia and Uganda.

- Were under discussion and formulation in Burundi, Democratic Republic of Congo, Mali, Sierra Leone and Tanzania, Mali.
- Were foreseen to begin formulation and discussion with the support of WIPO expert missions in Chad and the Gambia.

National economic development plans are of fundamental importance to the development of LDCs, but for countries where such plans have been identified, IP issues are addressed and integrated in only a few. Science, Technology and Innovation (STI) policies can also be developed to encourage IP awareness, as well as to support the technological transformation, capacity-building and innovation of enterprises and to improve linkages between the research and industry sectors. Many WTO-member LDCs appear to not have STI policies in place and only in a few of those that do is IP explicitly addressed.

Table 3. Case studies on IP-related policy frameworks in LDC members

Bangladesh	<p>Intellectual property rights are addressed in a number of key policy frameworks. The National Strategy for Accelerated Poverty Reduction II (2009-11) includes improving the IP environment as a key target, with the policy agenda including strengthening of the Department of Patent, Design and Trademarks and the Copyright Office, as well as the internal capacity to develop and modernise the national IP system.</p> <p>The National Science and Technology Policy (2010) includes a dedicated chapter on IP which acknowledges the need to take into account IPR in all aspects of technological R&D and develop relevant administrative and technical capacity. The policy also highlights the importance of encouraging technological innovation and patenting of new products and findings, and protecting the nation's traditional knowledge and bio-diversity.</p> <p>Interestingly, the National Industrial Policy from 2010 recognised for the first time the importance of IPR in industrial development and building technical capacity.¹⁹</p>
Burundi	<p>Intellectual property regulations and policies appear to be relatively undeveloped in Burundi and it has yet to develop a national intellectual property policy.²⁰ However, a national IP plan is currently under discussion and formulation.²¹ In the EIF DTIS (2003) and its update (2012), IP is mentioned briefly in relation to AGOA negotiations.</p>
Cambodia	<p>The Cambodian government has created the National Committee for Intellectual Property Management to develop Cambodia's IPR Policy and a number of IPR related laws and interagency coordination mechanisms have been introduced.</p> <p>The national committee for IPR is made up of representatives of ministries and government entities responsible for the enforcement of IPRs. Further responsibilities include the development of a national IP policy, strengthening cooperation and providing technical assistance related to intellectual property.²²</p> <p>Cambodia's Trade Integration Strategy (2007) identified the importance of IPRs and efforts are under way to ensure international obligations are met.²³ Cambodia is preparing to develop its first ever multi-year plan for Science and Technology to coincide with a drive for innovation.²⁴</p>
Lesotho	<p>Lesotho's PRSP/NDP mentions intellectual property in relation to the strategic objectives and actions required in the area of trade, specifically calling for: i) the placing of information on trademarks and other intellectual property rights in the public domain; ii) a review of IPR legislation to protect innovation for SMEs; and iii) in the development of an IPR database to develop robust dissemination mechanisms.²⁵</p>

¹⁹ WTO Trade Policy Review, Bangladesh, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Bangladesh, 2010

²⁰ WTO, EAC TPR 2012, Annex: Burundi

²¹ UN system support for Africa, WIPO report for May 2011 to April 2012, Office of the UN Special Adviser on Africa

²² WTO Trade Policy Review, Cambodia, 2011

²³ Cambodia's Ministry of Commerce and UNDP Cambodia, *Cambodia's 2007 Trade Integration Strategy; Executive summary and action matrix*, 2007

²⁴ SciDev Net, 2011

²⁵ IMF, Kingdom of Lesotho: Poverty Reduction Strategy Paper/National Strategic Development Plan, 2012

Madagascar	Little information was found on the national IP policy and strategy for Madagascar in the research conducted for this study. Madagascar has a National Cultural Policy for Socio-economic Development. However there are a number of cultural properties that are excluded, undermining creativity at a detriment to competitiveness and performance of some of the country's economic agents, notably craftsmen and artists. ²⁶
Malawi	<p>Protection of IP is addressed in Malawi's Growth and Development Strategy (MGDS) (2011-2016) in regards to trade and improved R&D capacity. The strategy calls for the development of IP guidelines as an action to improve the adoption of beneficial technologies.²⁷</p> <p>Malawi has also been developing a National IP Policy, which was awaiting Cabinet approval as at April 2012. The aim of this policy is to stimulate the generation, protection, and commercialisation of IPR as an economic stimulant for wealth creation, encourage institutions to adopt their own IP policies, and integrate the IP system in government development strategies.²⁸</p> <p>Research, science and technology are addressed as a separate sub-theme under the MGDS 2006-2011. The goal is "to attain sustainable socio-economic development through the development and application of science and technology in order to improve industrial productivity and quality of goods and services".²⁹</p>
Mali	National IP plans and an IP policy are currently under discussion and formulation in Mali. ³⁰
Mozambique	<p>The Intellectual Property Strategy (2008-18) provides the framework for strengthening IP protection. The strategy outlines goals for improving the legal and institutional frameworks, increasing capacity and linkages systematically across the IP system, promoting safeguards for local innovators and raising overall awareness of the importance of IP for all sectors of the economy.³¹ Further goals include the creation of mechanisms for protecting and rewarding innovators, creators, artists, and safeguarding their creations. Mozambique also aims to create a mechanism for linking consultation, coordination, and communication between the institutions with the various players in the IP system.³²</p> <p>The Mozambique Science, Technology and Innovation Strategy (MOSTIS) 2006-2016 is available and addresses IP in a short section where it is stated that "it is important to consolidate the legal and regulatory framework in the area of IPR, as well as to establish the technical skills and capacity to address issues related to IPR protection."³³</p>
Nepal	There is brief mention of IPR in Nepal's PRSP (2007) in relation to the redrafting of IPR law. During the WTO TPR for Nepal (2012), the Government of Nepal reported on some initiatives for framing a separate intellectual property policy in the future. ³⁴
Rwanda	<p>The 2010 Intellectual Property Policy provides a policy framework and implementation plan for institutional development, national legislative review and strategies for participating in international IP negotiations and organisations. The mission of the 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 advancement in science and technology benefits society."³⁵</p> <p>Rwanda's PRSP (2006) does not provide an in-depth analysis of IP but the progress report in 2009 states that IPR implementation is progressing well.³⁶</p> <p>According to Rwanda's Science, Technology and Innovation Policy (2006) an effective IP management framework will be established in R&D institutions and firms to create the capacity to support local researchers in protecting their IPR.³⁷</p>

²⁶ WTO TRIPS Council, Priority Needs for Technical and Financial Cooperation: Communication from Madagascar, 2013

²⁷ Government of Malawi, Poverty Reduction Strategy Paper, 2012

²⁸ Country experiences in implementation of IPRs, Malawi Ministry of Industry and Trade, 2011

²⁹ Government of Malawi, MGDS 2006-2011

³⁰ UN system support for Africa, WIPO report for May 2011 to April 2012, Office of the UN Special Adviser on Africa

³¹ Republic of Mozambique, Council of Ministers, Intellectual Property Strategy 2008 – 2018, 2007

³² Ibid.

³³ Republic of Mozambique, Science, Technology and Innovation Strategy (MOSTIS) 2006-2016

³⁴ WTO, TPR Nepal, 2012

³⁵ Rwanda Ministry of Trade and Industry, Intellectual Property Policy, 2009

³⁶ IMF, Rwanda PRPS Progress Report, 2011

³⁷ Government of Rwanda, Science, Technology and Innovation Policy, 2006

Samoa	Samoa is currently developing a national intellectual property strategy. ³⁸
Senegal	The National Intellectual Property Development Plan (PNDPI) aims to create a framework to protect and promote Senegal's 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 setting up and strengthening of the bodies responsible for the promotion of intellectual creations. The five-year plan (2011-2015) seeks to provide comprehensive capacity development of the nation's legal, regulatory and administrative institutional infrastructure. ³⁹
Sierra Leone	There is presently no national IP policy and strategy in Sierra Leone, but a national IP development plan is currently under formulation with assistance from WIPO. ⁴⁰ The Science and Technology Council has produced a National Science and Technology Policy but it is in the early stages of implementation. The policy does not address the need for a comprehensive IP system directly, but recommends the development of a Patent Information Service to support innovation and technology transfer. ⁴¹
Tanzania	<p>Tanzania's 2011 PRSP mentions IP issues in the context of promoting technological innovation and research through IP management. Mainland Tanzanian officials are working on a National IP Policy and consolidated legal framework, incorporating relevant TRIPS flexibilities. This appears to cover only mainland Tanzania, as Zanzibar is responsible for its own domestic policy and laws.⁴² A Tanzanian National IP strategy is under formulation with WIPO support.</p> <p>Issues relating to R&D and access to technologies have been clearly addressed. Tanzania's PRSP 2011 mentions IP in the following references: i) coordinated industrial researches carried out by the R&D institutions, universities and technical institutions will have to focus on availing technological solutions to local manufacturers and promoting new innovations through IPR management; ii) promoting technological innovation programs (incubators and clusters) and instituting IPR regimes in order to propel creativity; and iii) strengthen IPR associated with indigenous and traditional knowledge.⁴³</p>
Uganda	<p>The National Development Plan (2011-2015) highlights the importance of IPR in encouraging innovation in science and technology and urges support to cooperatives in accessing and acquiring IPR.⁴⁴ IP protection and promotion of innovation is also one of the 13 thematic areas of intervention identified by the National Trade Sector Development Plans (2008/9 – 2012/3) and the national STIP identified acquisition of IPR by local innovators as a key strategic goal.⁴⁵</p> <p>There are several policies that address IP under different sectors, namely National Trade Policy (2007), National Industrial Policy (2007), National Science, Technology and Innovation Policy (2009), National Policy on Culture and National Health Policy.</p>
Vanuatu	Research undertaken for this study found no national IP strategy and no mention of IP in the national development plan.
Zambia	<p>In 2010, the Government of Zambia launched the National Intellectual Property Policy and the implementation plan for putting the policy into action.⁴⁶ The National Development Plan (2011-15) mentions the importance of IPR in regards to promoting and protecting national cinema, music and culture and science and innovation and refers to the National IP Policy.⁴⁷</p> <p>One of the measures in Zambia's Science and Technology Policy (1996) is to ensure that IPR</p>

³⁸ Non-official source – Australian National University SSGM Discussion Paper 2012/13

³⁹ WTO Trade Policy Review, Senegal, 2009 & Priority Needs for Technical and Financial Cooperation, Communication from Senegal, 2011

⁴⁰ UN system support for Africa, WIPO report for May 2011 to April 2012, Office of the UN Special Adviser on Africa

⁴¹ Priority Needs for Technical and Financial Cooperation, Communication from Sierra Leone, 2007

⁴² WTO EAC Trade Policy Review - Tanzania, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Tanzania, 2010

⁴³ IMF, Tanzania PRSP, 2011

⁴⁴ National Planning Authority, Uganda National Development Plan, 2010

⁴⁵ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

⁴⁶ Highlights of the Policy Framework for Investment in Zambia, <http://www.oecd.org/daf/inv/investmentfordevelopment/47662751.pdf>

⁴⁷ Zambia National Development Plan 2011-2015, Sustained economic growth and poverty reduction, Republic of Zambia, 2011

	and legal frameworks are adequate to promote R&D and commercialisation in new technologies. ⁴⁸ Science, technology and innovation are a key support sector in the National Development Plan where the goal is to establish an effective and efficient National Science, Technology and Innovation System for increased productivity and competitiveness by the end of 2015. According to WTO Zambia TPR 2009, the Ministry of Science, Technology and Vocational Training is revising its science and technology policy to include issues related to traditional knowledge. ⁴⁹
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Legal framework

To formulate and implement international agreements on IP, such as the TRIPS Agreement, the preparation and implementation of a range of laws and regulations covering industrial property, copyright and related rights is of fundamental importance. A range of options are open to LDC members for the specific legislative approach to implementation and the optimum course of action will need to be determined in consultation with interested parties.

As with IP policy development, this requires specialised technical skills, financial resources, as well as the ability to coordinate the legislative development process so as to ensure the participation of key stakeholders both within and outside of government. As in all countries, the process of legislative reform in LDC members – from initiation through to completing all the stages in the national parliament or legislative assembly – can sometimes take a considerable period of elapsed time to complete.

Membership of international treaties is potentially a major driver beyond TRIPS of legislative reform at the national level. Annex D provides information on the 34 LDC WTO member countries and those (WIPO-administered) major international IP treaties they are party to.⁵⁰ Overall, the WTO LDC members are party to a large number of international IP legal protection systems. All 34 LDCs are party to the WIPO Convention, and only 4 LDC members (Myanmar, Samoa, Vanuatu and Solomon Islands) have not signed the Paris Convention. 26 LDC members have joined the Berne Convention. Amongst the 34 LDC members of WTO, Burkina Faso, Guinea and Togo are party to most of the international IP treaties administered by WIPO, whilst only Myanmar and the Solomon Islands are party to one treaty. The Geneva Act of Hague has the lowest number of signatories from LDC WTO members, Rwanda being the only country party to the agreement. The Trademark Law Treaty and Strasbourg Agreement have two signatories respectively from amongst the 34 LDC WTO members.

Annex E of this report signposts existing IP legislation in LDC members, as detailed in the *WIPO Lex* online database. Considering the legislation enacted across the LDC members in relation to the major areas of IP such as patents, trademarks, industrial designs, copyright and related rights, there are a number of general trends that can be highlighted based on notifications to the *WIPO Lex* database. Notably, according to *WIPO Lex*, 11 LDC members⁵¹ have passed legislation covering the major areas of IP within the last 5 years, the predominant laws being Trademarks Acts, Copyright Acts and Industrial Property Acts. As an example, in Samoa significant work has been undertaken and the enactment of the Intellectual Property Act 2011 and the Copyright Amendment Act 2011 have introduced a comprehensive overhaul of the legislative framework for the protection and administration of IPR in the country.

⁴⁸ Zambia's Science and Technology Policy 1996

⁴⁹ WTO, TPR Zambia 2009

⁵⁰ The list of treaties covered in this report is not exhaustive however.

⁵¹ Bangladesh, Djibouti, Gambia, Lao PDR, Mali, Rwanda, Samoa, Senegal, Tanzania, Uganda and Zambia

Conversely, according to *WIPO Lex*, 10 of the 34 LDC members do not appear to have passed or reported new IP legislation to *WIPO Lex* since 2000.⁵² A further 5 LDC member countries⁵³ do not yet appear to have reported any legislation covering the major areas of IP to *WIPO Lex*. Within regional groupings (eg ARIPO, OAPI etc), presence of copyright and industrial property legislation features most prominently across members, with some co-ordination in the timing in introduction of new legislation.

It is interesting to establish whether and what legislation is under development in order to gain a more comprehensive picture of the extent to which the legal framework is changing. A number of LDC members appear to have new legislation in the pipeline but research for this study has found that in other cases further updating of some specific areas of the IP legal framework is currently under consideration. Broadly speaking, these latter cases often include the protection of traditional knowledge and genetic resources, trade secrets, integrated circuit topographies, geographical indications, plant varieties and preventing import and export of counterfeit goods.

Table 4. Case studies on IP-related legal frameworks in LDC members

Bangladesh	<p>Although much of the IP legislation dates back over fifty years, a variety of new legislation has been introduced marking significant progress in modernising national legislation. The Copyright Act (2005), Trademarks Act (2009) and The Patents and Designs Act (2003) have been enacted, and the Utility Model Law, Geographical Indications Act, Patents Act and Industrial Designs Act were in draft form as at January 2012. The Trademarks Act introduced the first legislation to protect service-marks, an important step given the services sector is growing rapidly and accounts for about half of gross domestic product (GDP).</p> <p>The joint EU-WIPO Programme on IP (2008-11) supported these efforts in the modernisation of the national IP legislative system, as well as in raising awareness about the importance of IP protection among the public and private sectors.⁵⁴</p> <p>Bangladesh is party to the Paris Convention and the Berne Convention.</p>
Burundi	<p>According to <i>WIPO Lex</i>, the only major IP legislation in Burundi is the 1964 Law on Patents. According to the recent WTO TPT (2012), however, Burundi passed a law on industrial property (No. 1/13) in 2009 which governs the use of compulsory licences, traditional knowledge and handicraft items, as well as unfair competition.⁵⁵ New copyright legislation and is also currently being developed. This is supported by associations of performers and composers, as well as by music producers who see the law as a means of stimulating Burundi's music sector.⁵⁶</p> <p>Burundi is party to the Paris Convention and is an observer at the African Intellectual Property Organisation (ARIPO).</p>
Cambodia	<p>Cambodia has made considerable progress in the development of a legal framework for protection of IP over the last decade.</p> <p>In 2003, several key laws came into force, including the Law on Patents and Industrial Designs, Law on Trade Marks, Trade Names and Acts Unfair Competition and the Law on Copyrights and Related Rights. As at late 2011, the draft law on geographical indications was due for submission to the Council of Ministers and a further draft on layout design of integrated circuits was under discussion at the ministerial level.⁵⁷</p> <p>Cambodia is party to the Paris Convention.</p>
Lesotho	<p>Lesotho has not reported any major IP legislation passed since 2000 to <i>WIPO Lex</i>. The most recent IP legislation enacted was the Industrial Property Order and the Copyright Order, both</p>

⁵² Angola, Burkina Faso, Burundi, Democratic Republic of Congo, Haiti, Lesotho, Madagascar, Myanmar, Solomon Islands, Togo

⁵³ Central African Republic, Guinea, Guinea Bissau, Mauritania, Niger

⁵⁴ WTO Trade Policy Review, Bangladesh, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Bangladesh, 2010

⁵⁵ WTO, EAC TPR Report by EAC Country Members, 2012

⁵⁶ WTO, EAC TPR 2012, Annex: Burundi

⁵⁷ WTO Cambodia Trade Policy Review, 2011

	<p>in 1989. Patents are rarely issued in Lesotho but trademark protection is often sought and is granted.⁵⁸</p> <p>Lesotho is party to the Paris, Rome and Berne Conventions as well as the Madrid Agreement (Marks).</p>
Madagascar	<p>A law on Protection of Literary and Artistic Property was passed in 1994, however, no major IP legislation has been reported to <i>WIPO Lex</i> since 2000. The EIF DTIS (2003) mentions the priority placed on implementation of WTO agreements with specific reference to intellectual property.</p> <p>Madagascar is party to the Paris and Berne Conventions.</p>
Malawi	<p>Most of Malawi's current IP-related legal framework was created in the 1980s (e.g. Copyright Act (1989), Trademark Regulations (1981)) and revised in the early 2000s, though new copyright licensing regulations were introduced in 2008.⁵⁹ Work on the overarching national IP strategy will also likely guide the evolving legal framework going forward.⁶⁰</p> <p>Malawi is party to the Paris Convention, Nice Agreement, Strasbourg Agreement, and Berne Convention.</p>
Mali	<p>Mali's copyright legislation was amended in 2008, with a new law providing for protection of literary and artistic property. The law on industrial property dates from 1987.</p> <p>Mali is party to the Paris and Berne Convention, WIPO Copyright Treaty, and WIPO Performances and Phonograms Treaty.</p>
Mozambique	<p>A number of new IP-related laws and ministerial decrees were created or revised over the last decade. These include ministerial decrees on granting the right to use the 'made in Mozambique' brand, a decree on industrial property and a new Commercial Code.⁶¹ In the EIF DTIS (2004) there is a recognition that Mozambique needs to amend laws to comply with WTO IPR requirements especially with regards to smuggling counterfeit goods.⁶² According to <i>WIPO Lex</i>, since 2000, two main pieces of IP legislation have been passed; Industrial Property Code of 2006, and the Copyright Law of 2001.</p> <p>Mozambique is party to the Paris Convention, Nice Agreement, and Madrid Agreement (Marks).</p>
Nepal	<p>Recent legislation in Nepal includes the Patent, Design and Trademark Act, 2006 and the Copyright Act of 2002.⁶³ Current legislation does not cover layout designs, geographical indications, plant varieties or undisclosed text or other data.⁶⁴</p> <p>The Ministry of Industry is preparing comprehensive industrial property protection legislation, which will cover all categories of industrial property rights and preparation is at its final stage. To facilitate the implementation of IPR legislation, the Government has established the Trademark Information Centre, Industrial Design Information Centre, and Industrial Patent Information Centre.⁶⁵</p> <p>Nepal is party to the Paris and Berne Conventions.</p>
Rwanda	<p>The Law on the Protection of Intellectual Property (2009) provides comprehensive protection to all classes of IP (trademarks, collective marks, copyrights, inventions, industrial design, geographical indications and layout designs of integrate circuits). The law also provides for the protection of plants, genetic resources and traditional knowledge to be provided by a forthcoming special law.⁶⁶</p>

⁵⁸ Lesotho, *Diagnostic Trade Integration Study, Integrated Framework: Volume 1, Integration into the World Trading Environment*, 2003

⁵⁹ WIPO Lex - Malawi, 2011

⁶⁰ Malawi Ministry of Industry and Trade, 2011

⁶¹ WIPO Lex - Mozambique, 2011

⁶² USAID, *Removing Obstacles to Economic Growth in Mozambique: DTIS, Volume 2, Main Report*, 2004

⁶³ WIPO Lex, Main IP Laws, Nepal: <http://www.wipo.int/wipolex/en/>

⁶⁴ WTO, TPR Nepal, 2012

⁶⁵ Ibid.

⁶⁶ WTO EAC Trade Policy Review - Rwanda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Rwanda, 2010

	<p>Rwanda's EIF DTIS (2005) identifies the ICT sector as vital for prosperity and growth requiring sound intellectual property protection legislation, based on Rwanda's current ability in software creation and service provision.⁶⁷</p> <p>Rwanda is party to the Paris and Berne Conventions, and the Geneva Act of Hague.</p>
Samoa	<p>Following a comprehensive legislative review, the Intellectual Property Act (2009) and Copyright Amendment Act (2009) replaced antiquated legislation from the 1970s. The IP Act provides for a new regime for patents, utility models, designs, trademarks, geographical indications, plant breeder's rights, circuit layouts, as well as for enforcement and administration. The Copyright Amendment Act modernised the 1998 Act, including new provisions on traditional cultural expressions, as well as more explicit mechanisms for copyright enforcement.⁶⁸</p> <p>Samoa is party to the Berne Convention.</p>
Senegal	<p>Senegal has added to or adapted a number of IP related laws over the last five years, including the Law on Cybercrime, Guidance Law on Information Society, and the Law on Copyright and Related Rights, 2008. Senegal has also adopted the revised Bangui Agreement of OAPI.⁶⁹</p> <p>Senegal is party to the Paris and Berne Conventions, WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty.</p>
Sierra Leone	<p>Sierra Leone has updated several important IP laws recently, including the adoption of the Copyright Act (2011) and Trade Marks and Merchandise Marks Act (in final review). As at 2012, there was no provision in the national law for the registration of new patents; rather patent applications had to be filed in the UK. In addition, the Sierra Leone Broadcasting Act of 2009 was implemented in 2010.⁷⁰</p> <p>Sierra Leone is party to the Paris Convention and Madrid Agreement (Marks).</p>
Tanzania	<p>Although the United Republic of Tanzania is responsible for international treaties, mainland Tanzania and Zanzibar have separate IP legislation.</p> <p>In mainland Tanzania, a number of the core IP laws were revised in 2002 (e.g. the Trade and Services Marks Act, the Patent Registration Act and the Copyright and Neighbouring Rights Act) and officials have indicated they are preparing a law to consolidate all relevant IP legislation. In 2002, Tanzania also passed legislation concerning traditional and alternative medicine, as well as the protection of new plant varieties, highlighting the considerable importance placed on these issues.⁷¹</p> <p>In Zanzibar, the Industrial Property Act of 2008 consolidated all IP legislation into a single statute covering trade and services marks, patents, geographical indications, industrial designs, layout design of integrated circuits and utility models. The Copyright Act of 2003 covers copyright protection.⁷²</p> <p>Tanzania is party to the Paris and Berne Conventions and the Nice Agreement.</p>
Uganda	<p>Uganda has passed a number of IP-related laws over the last decade, including the Trademarks Act (2010), Trade Secrets Promotion Act (2009) and the Copyright and Neighbouring Act (2006). These laws as well as the Patents Act (1993) are administered by the Ugandan Registration Services Bureau.⁷³ As of late 2012, the Industrial Properties Bill was still before Parliament. The Bill provides for the granting and regulation of patents, industrial designs, utility models, and "technovations", and for the designation of a registrar. A Geographical Indications Bill is also before Parliament.⁷⁴</p>

⁶⁷ Diagnostic Trade Integration Study, Rwanda, 2005

⁶⁸ WTO Working Party on the Accession of Samoa, 2011

⁶⁹ WIPO Lex - Senegal, 2011

⁷⁰ WIPO Lex, Sierra Leone, Main IP Laws: <http://www.wipo.int/wipolex/en/>

⁷¹ WIPO Lex Tanzania, Main IP Laws, 2013: <http://www.wipo.int/wipolex/en/>

⁷² WTO EAC Trade Policy Review - Tanzania, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Tanzania, 2010

⁷³ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

⁷⁴ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

	Uganda is party to the Paris Convention and the Nairobi Treaty.
Vanuatu	Over the last decade, Vanuatu has passed or drafted several new laws to improve its IP protection regime. Prior to 2000, legislation protected only patents and trademarks, with no protection afforded for copyrights, layout-designs of integrated circuits, geographical indications, industrial designs or trade secrets. Vanuatu has now passed comprehensive legislation ⁷⁵ , including the Designs, Patents and Trademarks Acts of 2003. Much of Vanuatu's legislation was based on UK law, such as the UK Patents Act and UK Trade Marks Act. ⁷⁶ Vanuatu is party to the Berne Convention.
Zambia	As of 2009, the Government of Zambia planned to amend its IP legislation in line with the launch of the new National IP policy. The modernisation of the legislation was planned to include patents, trademarks and copyright, as well as including protection of service marks. ⁷⁷ The Copyright and Performance Rights (Amendment) Act was introduced in 2010 ⁷⁸ , as well as the Plant Breeder's Rights Act in 2007. Zambia is party to the Paris and Berne Conventions. ⁷⁹

IP administration

Considerable specialist human resources and information management systems (ideally automated) are needed to establish and effectively operate institutions charged with the administration of national IP systems for industrial property and copyright and related rights. As shown in Annex B, many LDC members have distinctly defined industrial property offices and copyright offices, with mandates divided between them for the administration of the national intellectual property system, including the registration, examination and granting of rights. These offices often appear to be located within, or supervised by, ministries dealing with industry and culture respectively. Ministries of justice are at times also involved in the administration of IP.

For LDC members where information is available, IP administration systems generally appear to be paper-based rather than fully automated. Plans exist in some LDC members (eg Tanzania, Bangladesh) to automate and modernise the IP registries and administration system, but this is an area where considerable gains can be made and investment will be required. IP offices in some LDC members (eg Rwanda, Uganda, Malawi and Sierra Leone) appear to be undergoing significant institutional reform, often intended to establish a more autonomous status for the national IP office in terms of financial management, recruitment, capital investment and retention of revenues from various forms of IPR administration fees charged by the office to rights holders. Malawi provides a good example of this aspect of national IP infrastructure modernisation, and the catalytic link between the development of a national IP policy and downstream reforms to other components of the national IP system.

Currently, IP administration in Malawi is divided across various departments among several different government ministries. The Registrar General (Ministry of Justice) handles patents, trademarks and industrial designs. The Copyright Society of Malawi (Ministry of Culture) has responsibility for copyrights, and the Ministry of Trade and Industry handles trade-related aspects of IPR. The new national IP Policy aims to consolidate all IPR issues under a new Malawi Intellectual Property Office (MIPO). MIPO would be a self-sustainable parastatal organisation, financed through registration fees.

Annex D provides information on the 34 LDC WTO member countries and those (WIPO-administered) major international treaties related to IP administration they are party to.⁸⁰ Of

⁷⁵ Vanuatu, DTIS Volume 1, 2007

⁷⁶ WTO Working Party on the Accession of Vanuatu, 2011

⁷⁷ WTO Zambia Trade Policy Review, 2009

⁷⁸ WIPO Lex, Main IP Laws, Zambia: <http://www.wipo.int/wipolex/en/>

⁷⁹ All data on LDC member countries membership of WIPO Treaties available from WIPO: <http://www.wipo.int/treaties/en/>

the 34 LDC members, 23 are party to the Patent Cooperation Treaty.⁸¹ The Madrid Protocol and the Hague Agreement have 5 LDC member signatories each. Within the LDC member group, only Benin, Guinea, Mali, and Rwanda are party to more than one global IP administration protection system.⁸² Bangladesh, Burundi, Cambodia, Democratic Republic of Congo, Djibouti, Haiti, Myanmar, Nepal, Samoa, Solomon Islands and Vanuatu have not signed any of the WIPO-administered global treaties related to IP administration.

Membership of regional IP systems is also a significant feature of the IP administration systems in a large number of WTO LDC members. ARIPO-members can opt-in or opt-out of the organisation's regionalised industrialised property registration systems. OAPI-members in West Africa on the other hand have a fully centralised system for administering intellectual property rights. Regional IP systems relevant to LDC WTO members are discussed in more detail in Section 3.2 below.

Annex C of this report provides full details of the intellectual property administration statistical information available for LDC WTO members from the WIPO IP Statistics Data Centre. There are a number of important trends between 2008 and 2011 to be noted within IP administration in LDCs based on the WIPO Statistics Database for the areas of patents, trademarks and industrial designs.

First, there are generally very low levels of reporting of industrial property applications and grants by LDC WTO members over the period. In fact, the majority of LDC WTO members have not reported any data to WIPO on industrial property applications or grants at all over the period. Between 2008 and 2011, only Bangladesh and Madagascar reported data to WIPO on applications and grants across patents, trademarks and industrial designs for each year. Burkina Faso reported data to WIPO on applications only, not on grants.

Patent applications/grants data were only reported to WIPO by 3 LDC members with relatively consistent numbers of applications and grants being made (except Burkina Faso which made 2 patent grants in 2010). In Bangladesh, only 36% of patents applied for were granted and of these 472 grants, only 15% were from residents. Granted patents in Madagascar were slightly higher at 51% of applications but the proportion of patent grants to residents and non-residents was similar to Bangladesh.

In terms of trademarks, 8 LDC members reported data to WIPO, all of which reported a considerable number of applications. Of these, 6 LDCs submitted information on trademark registrations and only in Bangladesh does there appear to be a considerable difference between numbers of trademarks applied for and registered – only 6.5% of applications reported as registered. For each LDC member that reported data to WIPO on trademark registrations, more registrations of trademarks were granted for non-residents than for residents.

For industrial designs, 8 LDC members reported data to WIPO on applications and 7 LDC members reported data on registrations. Only Bangladesh experienced a significant difference between numbers of industrial design applications and registrations. For both industrial design applications and registrations, only 2 LDC members had a greater proportion of resident applications and registrations than non-resident, and in both countries, the difference was significant.

⁸⁰ The list of treaties covered in this report is not exhaustive however.

⁸¹ LDC members except Bangladesh, Burundi, Cambodia, Democratic Republic of Congo, Djibouti, Haiti, Myanmar, Nepal, Samoa, Solomon Islands and Vanuatu.

⁸² Benin (Hague Agreement, Singapore Treaty); Guinea (Vienna Agreement, Singapore Treaty); Mali (Singapore Treaty, Hague Agreement); Rwanda (Hague Agreement, Brussels Convention)

Table 5. Case studies on IP administration in LDC members

Bangladesh	<p>The Department of Patents, Designs and Trademarks (DPDT) and the Copyright Office under the Ministry of Cultural Affairs are the two main IP administrative bodies. In 2010, there were approx. 10,000 trademark applications (73% resident), 900 industrial design applications (95% resident), and 350 patent applications (15% resident). The resident share of IPR applications in Bangladesh (and of patents granted) is quite high compared to other LDCs.</p> <p>Despite these figures, Bangladesh recognises the need to make a continued investment to develop its national IP institutional and administrative infrastructure. To this end, the government recently announced the approval of a USD 3 million project to strengthen the Copyright Office. Further, in its identification of priority needs for technical and financial cooperation, Bangladesh identified a number of areas of support, including for automation of IP offices, establishing an IP Institute in the private sector and integrating all IP offices under one body.⁸³</p> <p>On the modernisation of the IP system, work is thus ongoing to attain an operationally fully automated system including an attractive website facilitating online application and e-payment. This automated system will generate databases of patents, industrial designs and trademarks.⁸⁴</p> <p>Bangladesh has not joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Bangladesh is not a member of a regional IP administration system.</p>
Burundi	<p>The ministries responsible for IP are those of Culture, Youth and Sports (copyright & related rights) and of Trade and Industry (Industrial Property). In January 2002, an Industrial Property and Documentation Directorate was set up to deal with all matters relating to industrial property.⁸⁵</p> <p>Burundi did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Burundi has not joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Burundi is not a member of a regional IP administration system.</p>
Cambodia	<p>The responsibility for administering IPRs within Cambodia is placed on various ministries, agencies and institutions, although the National Committee for IP Management (under the Ministry of Commerce) is leading the coordination among the various bodies.</p> <p>The IP Department of the Ministry of Commerce is responsible for the formulation and implementation of policy on trademarks, coordinating and drafting IP laws and regulations, and the focal point for international cooperation. The Ministry of Industry, Mines and Energy is in charge of patents, utility models and industrial design and the Ministry of Culture and Fine Arts for copyrights and related rights.⁸⁶</p> <p>The Cambodian Chamber of Commerce has an IPR department which is in charge of a number of issues related to IP including trademarks, service marks, logos, and Acts of Unfair Competition. Within the intellectual property administration system there is a Technology and Innovation support centre where patent information websites can be accessed. Also available on the Chamber of Commerce website are statistics on trademark registrations.⁸⁷</p> <p>Cambodia did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Cambodia has not joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Cambodia is not a member of a regional IP administration system.</p>
Lesotho	<p>The Registrar General's office in the Ministry of Law and Constitutional Affairs is the focal point for all IP issues. The government has established an inter-ministerial committee to review IP issues and national implementation of the TRIPS Agreement. It comprises</p>

⁸³ WTO Trade Policy Review, Bangladesh, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Bangladesh, 2010

⁸⁴ Ibid.

⁸⁵ WTO Trade Policy Review, EAC, 2012, Annex: Burundi

⁸⁶ WTO Cambodia Trade Policy Review, 2011

⁸⁷ Cambodian Chamber of Commerce Website: <http://www.moc.gov.kh/Graphs/StatisticGraphs.aspx?MenuID=48#2>

	<p>representatives of the Ministry of Law and Constitutional Affairs, Ministry of Agriculture and Food Security, Ministry of Science and Technology and the Lesotho Association of Inventors.⁸⁸</p> <p>Lesotho submitted information to WIPO on applications and registrations of trademarks only for the period 2008-2011, providing no information on the numbers of patents or design applications and registrations made. Of the 2,742 trademark applications submitted over the period, all were granted. All trademark applications were made by non-residents. The annual volume of trademark applications fell markedly in 2009 to 634 and volumes stayed around that level though 2011.⁸⁹</p> <p>Lesotho is party to the Patent Cooperation Treaty and the Madrid Protocol. Lesotho is a member of ARIPO and party to the Harare Protocol on Patents & Industrial Designs and the Banjul Protocol on Trademarks.</p>
Madagascar	<p>Madagascar has 2 bodies responsible for administration of IP: the Malagasy Industrial Property Office (OMAPI) in the case of industrial property and Malagasy Copyright Office (OMDA) in the case of artistic and literary works. OMAPI's human resources have been strengthened, domestic legislation has been overhauled in light of the TRIPS Agreement, the archives reorganised, and procedures for issuing IP titles have been computerised.⁹⁰</p> <p>Madagascar is one of only two LDC WTO members that has submitted data on numbers of applications and registrations of patents, trademarks and industrial designs to WIPO for the period 2008-2011.⁹¹ Over the four year period, the annual volume of trademark applications grew steadily, whilst annual volumes for patent applications fell and industrial design applications were roughly constant:</p> <ul style="list-style-type: none"> • Madagascar received a total of 225 patent applications, 198 of which were from non-residents and 27 from residents. A total of 126 patent grants were made over the period, 103 of which were to non-residents and 13 to residents. • Madagascar received a total of 6,564 trademark applications, of which 4,648 were from non-residents and 2,169 were from residents. A total of 6,296 trademark registrations were made, of which 4,064 were to non-residents and 2,232 were to residents. • Madagascar received a total of 1,231 industrial design applications, of which 1,216 were from residents and 15 were from non-residents. A total of 1,312 industrial design registrations were made, of which 1,285 were to residents and 27 were to non-residents. <p>Madagascar is party to the Patent Cooperation Treaty and the Madrid Protocol. Madagascar is not a member of a regional IP administration system.</p>
Malawi	<p>Currently, IP administration is divided across various departments among several different government ministries. The Registrar General (Ministry of Justice) handles patents, trademarks and industrial designs. The Copyright Society of Malawi (Ministry of Tourism, Wildlife and Culture)) has responsibility for copyrights, and the Ministry of Trade and Industry handles trade-related aspects of IPR. The new national IP Policy aims to consolidate all IPR issues under a new Malawi Intellectual Property Office (MIPO). MIPO would be a self-sustainable parastatal organisation, financed through registration fees.⁹²</p> <p>Malawi did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Malawi is party to the Patent Cooperation Treaty and the Locarno Agreement. Malawi is a member of ARIPO and party to the Harare Protocol on Patents & Industrial Designs and the Banjul Protocol on Trademarks.</p>
Mali	<p>The responsibility for copyrights and related rights is given to the Malian Copyright Bureau (BUMDA). BUMDA is also responsible for training in copyright protection and running IP awareness campaigns. The number of copyright applications received in recent years has increased.</p> <p>The Malian Centre for the Promotion of Industrial Property (CEMAPI) is responsible for preparing industrial property related technical studies, applying rules and administrative</p>

⁸⁸ WTO South African Customs Union TPR, Annex 2: Kingdom of Lesotho WT/TPR/S/222/LSO/Rev.1

⁸⁹ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

⁹⁰ WTO TRIPS Council, Priority Needs for Technical and Financial Cooperation: Communication from Madagascar, 2013

⁹¹ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

⁹² Malawi Ministry of Industry and Trade, 2011

	<p>directives and establishing cooperation with national and regional institutions specialising in industrial property.⁹³</p> <p>Mali reported data only for industrial design applications to WIPO for the period 2008-2011. A total of 52 industrial design applications and registrations were made over the period, and from the breakdown of information provided, all applications were from non-residents.⁹⁴</p> <p>Mali is party to the Patent Cooperation Treaty, the Hague Agreement and the Singapore Treaty. Mali is a member of OAPI.</p>
Mozambique	<p>The National Institute of Books and Recordings (INLD), under the Ministry of Culture, and the Industrial Property Institute (IPI) (under the Ministry of Commerce) are the two main administrative bodies for IP. The IPI administers the industrial property regime, and provides all relevant information for applicants seeking new grants or renewal of patents, and INLD administers the copyright regime.⁹⁵</p> <p>Mozambique provided information only on trademark applications and registrations to WIPO for the period 2008-2011. Virtually all of the trademark applications made were registered and all of the 4019 registrations made over the four year period were to non-residents. The annual volume of trademark applications fell markedly in 2009 to 870 before recovering somewhat in 2011 to 1,032.⁹⁶</p> <p>Mozambique is party to the Patent Cooperation Treaty and the Madrid Protocol. Mozambique is a member of ARIPO and party to the Harare Protocol on Patents & Industrial Designs, but not the Banjul Protocol on Trademarks.</p>
Nepal	<p>The Department of Industry (DOI) under the Ministry of Industry is the implementation and execution agency for IPR legislation. The Nepal Copyright Registrar's Office is housed in the Ministry of Culture, Tourism and Civil Aviation</p> <p>The Ministry of Industry is preparing comprehensive industrial property protection legislation, which will cover all categories of industrial property rights and preparation is at its final stage. To facilitate the implementation of new IPR legislation, the Government has established the Trademark Information Centre, Industrial Design Information Centre, and Industrial Patent Information Centre.⁹⁷</p> <p>Applications to register a trademark must be made to the DOI and the DOI registers the trademark in the name of the applicant and issues a trade mark certificate. Application to protect industrial designs as well as to apply for a patent, are also made through the DOI.⁹⁸</p> <p>Nepal did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Nepal has not joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Nepal is not a member of a regional IP administration system.</p>
Rwanda	<p>Following the unveiling of the National IP Policy, the administration of IP issues has been moved to the Office of the Registrar General in the Rwandan Development Board (RDB) from the Ministry of Trade and Industry and Ministry of Sports and Culture. Rwanda does not intend to set up a patent examination office, but rather to rely on ARIPO's examination capacity.⁹⁹</p> <p>Over the period 2008-2011, Rwanda reported one industrial design application and registration to WIPO. No information was provided on the source of the application. Rwanda did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents or trademarks.¹⁰⁰</p> <p>Rwanda is party to the Patent Cooperation Treaty, the Hague Agreement and Brussels Convention. Rwanda is an ARIPO member and party to the Harare Protocol on Patents &</p>

⁹³ WTO Trade Policy Review, Mali, 2010 & Priority Needs for Technical and Financial Cooperation, Communication from Mali, 2012

⁹⁴ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

⁹⁵ WTO Trade Policy Review, Mozambique, 2009

⁹⁶ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

⁹⁷ WTO Trade Policy Review, Nepal, 2012

⁹⁸ ibid

⁹⁹ WTO EAC Trade Policy Review - Rwanda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Rwanda, 2010

¹⁰⁰ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

	Industrial Designs, but not the Banjul Protocol on Trademarks.
Samoa	<p>The responsibility for formulation and implementation of IP policy lies with the Registries of Companies and the Intellectual Property Registrar, under the Ministry of Commerce, Industry and Labour.¹⁰¹</p> <p>Samoa did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Samoa has not yet joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Samoa is not a member of a regional IP administration system.</p> <p>Samoa has indicated its readiness to participate in regional IP administrative cooperation as soon as Pacific regional mechanisms are established and where appropriate for Samoa's development priorities.¹⁰²</p>
Senegal	<p>Responsibility for IP administration is divided into the Industrial Property Office and National Copyright Office (BSDA). The Industrial Property Office serves as the National Liaison Structure for coordination with OAPI. The office carries out awareness campaigns targeted to SMEs on the importance of IP protection and supports applicants in the registration process. The Copyright Office, under the Ministry of Cultural Affairs, provides legal support and advice to musicians, artists and authors on protecting their copyright.¹⁰³</p> <p>Over the period 2008-2011, Senegal reported data only on industrial design applications and registrations to WIPO. The volume of industrial design applications dropped significantly in 2009 to 18, and remained at the lower level through 2011. All design applications made were registered however no information about the origin of the applications was provided.¹⁰⁴</p> <p>Senegal is party to the Patent Cooperation Treaty and the Hague Agreement. Senegal is a member of OAPI.</p>
Sierra Leone	<p>In Sierra Leone, copyright administration is under the Ministry of Culture & Tourism and industrial property administration is under the Administrator & Registrar General.</p> <p>According to Sierra Leone, the preferred option for the IP administration regime is to be a small, effective national IP office, which would operate as a self-financing, autonomous government agency accountable to Parliament via the Ministry of Trade and Investment (MTI). The MTI has overall responsibility for IP policy reform and modernisation, and the overall policy and legislative development capacity of MTI has been strengthened.¹⁰⁵</p> <p>For the period 2008-2011, Sierra Leone only reported data to WIPO on trademark applications and registrations showing a marked decline in 2009 to 750. All of the 3,165 trademark applications over the four year period were registered, and all the registrations granted were to non-residents.¹⁰⁶</p> <p>Sierra Leone is party to the Patent Cooperation Treaty and the Madrid Protocol. Sierra Leone is an ARIPO member and party to the Harare Protocol on Patents & Industrial Designs, but not the Banjul Protocol on Trademarks.</p>
Tanzania	<p>As with legislation, mainland Tanzania and Zanzibar have separate IP administrative bodies.</p> <p>On the mainland, the Business Registration and Licensing Agency (BRELA) is the main agency responsible for patents and trademarks, while the Copyrights Society of Tanzania (COSOTA) handles copyright protection; the Plant Breeders Registrar handles issues on breeder's rights and the UPOV Convention; and the Tanzanian Seeds Agency administers IPRs for seeds. Mainland officials have indicated that they are in the midst of a rationalisation process of IP administration into a single national office, though as of June 2012 this was still in progress.¹⁰⁷</p>

¹⁰¹ WTO Working Party on the Accession of Samoa, 2011

¹⁰² WTO Working Party on the Accession of Samoa, 2011

¹⁰³ WTO Trade Policy Review, Senegal, 2009 & Priority Needs for Technical and Financial Cooperation, Communication from Senegal, 2011

¹⁰⁴ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

¹⁰⁵ Priority Needs for Technical and Financial Cooperation, Communication from Sierra Leone, 2007

¹⁰⁶ WIPO IP Statistics Data Centre, 2012: <http://ipstatsdb.wipo.org/ipstats/patentsSearch>

¹⁰⁷ WTO Trade Policy Review, EAC - Tanzania, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Tanzania, 2010

	<p>In Zanzibar, the Copyright Society of Zanzibar (COSOZA) and the Registrar General's Office handle copyright and patent protection, respectively.¹⁰⁸</p> <p>Tanzania did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Tanzania is party to the Patent Cooperation Treaty. Tanzania is an ARIPO member and party to the Harare Protocol on Patents & Industrial Designs and the Banjul Protocol on Trademarks.</p>
Uganda	<p>The Ugandan Registration Services Bureau (URSB) is the main administrative agency in the country, covering trademarks, patents, utility models and copyrights. The URSB has benefited from WIPO automation support, and began conducting automated searches in 2011.¹⁰⁹</p> <p>The National Council for Science and Technology is also involved in patent protection and information, and includes a national IP advisory group made up of officials from the public and private sectors.¹¹⁰</p> <p>Uganda did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Uganda is party to the Patent Cooperation Treaty. Uganda is an ARIPO member and party to the Harare Protocol on Patents & Industrial Designs but not the Banjul Protocol on Trademarks.</p>
Vanuatu	<p>Vanuatu has set the deadline for the establishment and recruitment of personnel for a new national IP Office for 1st December 2012. It is not clear at this point whether the Office has yet been established.¹¹¹</p> <p>Vanuatu did not report any data to WIPO for the period 2008-2011 on applications or registrations for patents, trademarks, and industrial designs.</p> <p>Vanuatu has not joined any of the global IP administration and classification systems managed by WIPO, such as the Patent Cooperation Treaty or the Madrid Protocol. Vanuatu is not a member of a regional IP administration system.</p>
Zambia	<p>The Patents and Companies Registration Agency (PARCA), a semi-autonomous executive agency of the Ministry of Commerce, is the primary IP administrative body in Zambia.¹¹² The Agency provides patent and trademark registration, while the Copyright Administration (under the Ministry of Information) provides registration of copyrights.¹¹³</p> <p>Over the period 2008-2011, Zambia reported data only on trademarks to WIPO. No data on patents or industrial designs was reported to WIPO. Over the four year period, a total of 3,584 trademark applications were received and registered. Zambia did not report information on the origin of trademark applications. The annual volume of trademark applications fell markedly to 795 in 2009 before recovering somewhat to 866 in 2011.</p> <p>Zambia is party to the Patent Cooperation Treaty and the Madrid Protocol. Zambia is an ARIPO member and party to the Harare Protocol on Patents & Industrial Designs but not the Banjul Protocol on Trademarks.</p>

IP enforcement

Offering right holders a sound basis to enforce their IP titles presents a significant set of challenges for many WTO LDC members. Low levels of awareness, limited use of information technology, inadequate regulatory frameworks and lack of specialised skills within IP offices, customs, police and the judiciary all combine to limit the abilities of LDC members to tackle IP infringements and violations.

¹⁰⁸ WTO Trade Policy Review, EAC - Tanzania, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Tanzania, 2010

¹⁰⁹ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

¹¹⁰ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

¹¹¹ WTO Working Party on the Accession of Vanuatu, 2011

¹¹² Zambia Patents and Companies Registration Agency, 2013

¹¹³ WTO Zambia Trade Policy Review, 2009

Requirements for technical and financial assistance in this field includes addressing low levels of awareness about IP amongst consumers and businesses, and building adequate specialist capacity within enforcement agencies such as police, customs and the judiciary to cope with IP caseloads. There are also capacity building requirements for the effective regulation of IP rights, particularly in relation to matters of special public interest or in relation to controlling anti-competitive practices by rights holders.

LDC members are not currently considered to be principal sources for the large scale production and export of counterfeit or pirated products. However, they are often significant markets for those products, particularly for counterfeit medicines. In the East African region, for instance, this has led to proposals, currently under consideration and the subject of policy discussions, for regional and national measures to deal with counterfeiting.

As can be seen in Table 6, commercial high courts or commercial divisions of high courts are in place in a number of LDCs (e.g. Rwanda, Uganda, Sierra Leone, Mauritania and Tanzania). Special units within police forces and customs administrations have been identified in certain LDCs. Some LDC members report facing problems in involving police and customs forces in supporting the enforcement of IP rights due to their lack of training, limited manpower, and lack of appropriate information technology.

Table 6. Case studies on IP enforcement in LDC members

Bangladesh	The Government of Bangladesh recognises the importance of IPR enforcement in stimulating innovation and competition, though acknowledges that the current enforcement mechanisms and infrastructure is lacking. Specialised IP courts do not currently exist, and infringement of IPRs must go through the regular court system, though the Copyright Office and DPDT can hear cases in some circumstances. Though the law provides for severe penalties for infringement of IP, enforcement and prosecution are in general quite rare, and there is only a weak linkage between IP administration institutions and law enforcement agencies, such as customs and the police service. There are no specialised courts that address IP matters and IP matters are treated as other criminal or civil litigation matters. ¹¹⁴
Burundi	Very little data or information was found by this study on IP enforcement in Burundi. There is considerable mention of protection periods granted for trademarks, copyrights and industrial designs in the Annex on Burundi to the 2012 WTO Trade Policy Review of the EAC, however there is little mention of whether or how these are being enforced. ¹¹⁵
Cambodia	Various law enforcement and judicial agencies are involved in the enforcement of IPRs in the country. The Border Authority focuses on combating the trade of counterfeit and pirated goods across borders, while the Economic Police focus on the domestic market. The Enforcement Section of the IP Department (Ministry of Commerce) coordinates the enforcement efforts, as well as acting as a mediator in disputes on trademark matters. In 2011, the Council of Ministers approved the establishment of a commercial court to deal with commercial and IP-related cases, though it is unclear whether this court is yet functioning. ¹¹⁶
Lesotho	The IP legislation contains provisions for both civil and criminal remedies for owners of patents and other rights, including fines ranging from M10,000 and imprisonment for up to 10 years, or both. Lesotho still has fragmented laws dealing with enforcement of IPRs and lacks well-trained enforcement officials. Many difficulties are encountered with regards to IPR enforcement notably pirated and counterfeit goods predominantly related to the music industry. ¹¹⁷
Madagascar	There is a lack of awareness and misinformation amongst consumers and operators such as SMEs of the existence of IP rights, as well as a lack of synergy amongst different IP agencies

¹¹⁴ WTO Trade Policy Review, Bangladesh, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Bangladesh, 2010

¹¹⁵ WTO, EAC TPR 2012, Annex: Burundi

¹¹⁶ WTO Cambodia Trade Policy Review, 2011

¹¹⁷ WTO South African Customs Union TPR, Annex 2: Kingdom of Lesotho WT/TPR/S/222/LSO/Rev.1

	<p>responsible for enforcement of IPRs and within the administration (police, customs and judiciary). In addition, health departments responsible for enforcing and regulating pharmaceutical and phyto-sanitary products are having problems implementing the TRIPS Agreement, due mainly to a number of obstacles such as taxation and capacity deficiencies.</p> <p>The government has set up an Anti-Piracy Brigade (BAP) within the Ministry of Culture and Heritage in an attempt to combat piracy, theft and looting of cultural heritage and enforce IPRs.¹¹⁸</p>
Malawi	<p>Enforcement institutions include the Ministry of Justice (industrial property), Ministry of Culture (copyright), Malawi Police, Malawi Revenue Authority and the Malawi Bureau of Standards. However, the number of officers available for IPR enforcement is not clearly defined and there appear to be no specialised units with police and customs services. IP rights are enforced by the Director of Public Prosecution which handles all criminal cases, and through the regular civil court for non-criminal cases brought by copyright owners.¹¹⁹</p>
Mali	<p>The role of the national IP office in the enforcement of private IPRs is to combat piracy by promoting awareness and monitoring the markets through BUMDA. The most prominent form of infringement occurs through the unauthorised reproduction or import of musical/cinematographic works and the main measures taken to counteract infringement are higher penalties for counterfeiting, promotion of awareness and more controls. IP cases are held according to the nature of the infringement; for copyright infringement, legal proceedings may be brought to the civil or criminal level and the authorities in charge of this are BUMDA, police force, Gendarmerie, customs and competition/trade services. There are no specialised IP courts.¹²⁰</p>
Mozambique	<p>Supervision of industrial property rights is the responsibility of the Inspector General of the Ministry of Commerce, in consultation with the Industrial Property Office (IPI). Holders of titles can lodge complaints with the Inspector General's office, which investigates and decides whether infringement has occurred. It can order the seizure of infringing products or refer the case to the Commons Court. Mozambican authorities note that counterfeiting of trademarks is the leading cause of IP infringement in the country.¹²¹</p>
Nepal	<p>In Nepal, punishment for copyright infringement may take the form of a fine of Nr 10,000-100,000, imprisonment for a maximum of 6 months, or both. For repeat infringement, the fine is raised to Nr 20,000-200,000, and imprisonment to a maximum of one year. Persons importing unauthorised copies of any work are punished with a fine of Nr 10,000-100,000, and the unauthorised copies are seized. For any other copyright infringement, punishment is a fine of Nr 5,000-50,000. In all cases, compensation must be provided to the right holder.¹²²</p> <p>Enforcement of IPR protection at the border is the responsibility of Customs. Under Section 68 of the Customs Act 2007, Customs may only act following a complaint. According to the authorities, there have been no cases of customs actions in IPR enforcement at the border.¹²³</p>
Rwanda	<p>The Commercial Court branch of Rwanda's High Court is the designated institution for IP-related cases, though it appears few, if any, cases have been brought to the court. Rwanda's customs agency relies on the World Customs Organisation (WCO) Regional Intelligence Liaison Office to provide assistance on the detection of IP infringement cases at border crossings. The 2009 IP legislation provides extensive powers to the police and customs authorities to address IP enforcement.¹²⁴</p>
Samoa	<p>The modernised IP legislation introduced in 2011 provides for increased enforcement powers to national IP authorities, including increased search and seizure powers. The new legislation also provides for cases of civil infringement to be heard by the Supreme Court. The Ministry of Revenue, Ministry of Police and the Ministry of Justice all work closely in enforcement of IP infringement.¹²⁵</p>

¹¹⁸ WTO TRIPS Council, Priority Needs for Technical and Financial Cooperation: Communication from Madagascar, 2013

¹¹⁹ WTO Malawi Trade Policy Review, 2010

¹²⁰ WTO Trade Policy Review, Mali, 2010 & Priority Needs for Technical and Financial Cooperation, Communication from Mali, 2012

¹²¹ WTO Mozambique Trade Policy Review, 2009

¹²² WTO, TPR Nepal, 2012

¹²³ Ibid.

¹²⁴ WTO EAC Trade Policy Review - Rwanda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Rwanda, 2010

¹²⁵ WTO Working Party on the Accession of Samoa, 2011

Senegal	The Justice Sector Programme, adopted in 2004, has led to strengthened capacity of judicial institutions. The programme established several learning modules, including one focused on IP cases. Enforcement is the responsibility of the national police and customs authorities. In 2007, a special anti-counterfeiting squad was set up to combat piracy and carry out inspections, resulting in a significant level of seizures and arrests. ¹²⁶
Sierra Leone	In its needs assessment submission to the TRIPS Council in 2007, Sierra Leone identified a number of enforcement agencies in need of strengthening, including the police and customs authorities, as well as the commercial division of the High Court, which has responsibility for handling IP-related cases.
Tanzania	IPR enforcement is an ongoing challenge for both mainland and Zanzibar officials, as Tanzanian industry estimates that pirated goods account for 40% of the total local market. The Tanzanian Fair Competition Commission has apprehended importers of counterfeits and seized counterfeit products, though the Commission has limited resources to launch nationwide campaigns. There is currently no special tribunal for IPRs, rather the High Court's Commercial Division is the main authority, and has been involved in several trademark cases, though the judiciary's limited knowledge of IPR issues is a major issue. ¹²⁷
Uganda	Patent and trademark holders must bring infringement cases to the Ugandan High Court to obtain damages or other remedies. The Trademarks Act 2009 provides for the appointment of inspectors to assist the police services in IP enforcement, though there is no clear indication of the implementation of this provision. ¹²⁸
Vanuatu	Vanuatu has indicated that it has very limited enforcement capacity and that the relevant offices lack expertise on IP regulation. National agencies involved include the Vanuatu Financial Services Commission, Department of Customs, Department of Trade, Police and the Attorney General. ¹²⁹
Zambia	Enforcement is mainly undertaken by PACRA, the IP unit of the Zambian Police, and the Copyright Unit of the Ministry of Information. The Copyright Unit works with a number of customs and law enforcement agencies to crack down on counterfeited items. ¹³⁰

Using IP as a development tool

LDCs require a wider institutional infrastructure to support their national innovation capabilities and maximise access to foreign technologies and knowledge assets protected by IP, particularly those which are vital for their economic and social development.

LDCs furthermore need to develop national private sector capability in the use of IP as a strategic business tool (particularly for SMEs); to strengthen research institutions and intermediaries supporting innovation and technology transfer/absorption; and to conduct public education and awareness campaigns that communicate the role of IP in innovation, creativity and technology transfer. As the case studies in table 7 below reveal, a number of LDC WTO members have established or are seeking to establish, outreach campaigns and technology transfer offices, often as part of a national innovation policy or strategy.

SMEs comprise the majority of employment within LDCs and are often the driving force behind invention and innovation activities. However, this innovative capacity is rarely fully exploited due to the challenges faced by SMEs in LDCs in identifying and accessing relevant information and assistance on IP rights management and technology transfer.¹³¹ This

¹²⁶ WTO Trade Policy Review, Senegal, 2009 & Priority Needs for Technical and Financial Cooperation, Communication from Senegal, 2011

¹²⁷ WTO EAC Trade Policy Review - Tanzania, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Tanzania, 2010

¹²⁸ WTO EAC Trade Policy Review - Uganda, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Uganda, 2007

¹²⁹ WTO Working Party on the Accession of Vanuatu, 2011

¹³⁰ WTO Zambia Trade Policy Review, 2009

¹³¹ Ibid

reflects a lack of knowledge and awareness amongst SMEs, as well as a lack of outreach capability, resources and service provision by government agencies and business development intermediaries.

Greater recognition by SMEs of the intangible value of their products can create successful business models based around branding in domestic and export markets. Using IP tools such as a trademark and licensing plan, SMEs in LDCs can capture more of the brand value to achieve higher income streams. Ethiopian Fine Coffee is a good example of the significance of having support from government and development partners to enable domestic SMEs to develop a clear, well-developed trademark and licensing plan.

Using IP management tools and outreach services from government and development partners through technical assistance, coffee producers in Ethiopia have been able to capture more of the international market value of their produce and raise their income. The strengthened negotiating position of the Ethiopian fine coffee export sector which came out of the efficient use of IP tools captured an additional \$100m out of the retail value of the coffee in 2007/8.¹³² With more than 15 million¹³³ Ethiopians relying on the coffee industry for their livelihoods, IP tools have played a pivotal role in the country's recent economic and social development.

Table 7. Case studies on using IP as a development tool in LDC members

Bangladesh	<p>The Government highlights the ongoing need for international technology transfer agreements, particularly in the pharmaceutical, manufacturing and agricultural sectors, to strengthen the country's continued economic development and industrialisation. For instance, the domestic pharmaceutical industry would benefit significantly from increased technology transfer to strengthen its sustainability once the TRIPS transitional period expires and foreign firms begin to apply for patents. On the domestic R&D side, Bangladesh relies primarily on public research facilities, limiting the potential for innovation and creation to drive growth.</p> <p>The recently released Industrial Biotechnology Action Plan aims to increase the tangible benefits from the national research capacity. Further, improving the capacity of copyright enforcement could bolster the growing creative industry (music, art, literature), which is a significant export industry and heavily dependent on IP protection for sustainable growth.¹³⁴</p> <p>Bangladesh has successfully submitted significant amounts of data regarding patent, trademark and design registrations and applications to WIPO, with further breakdown into resident and non-resident status. The department of Patents, Designs and Trademarks provides links to the WIPO search databases, as well as providing clear information on legislation surrounding the IPRs.</p>
Burundi	<p>There is little evidence available of Burundi's use of IP as a development tool evidenced by the lack of information on the existence of a comprehensive patent information system database, the existence of national institutions to facilitate technology transfer, or information on whether Burundian nationals hold IPRs domestically or abroad.</p>
Cambodia	<p>Cambodia has received funding for the Department of Intellectual Property Rights on enhancing intellectual property teaching and training. The outcome of this training is to ensure better quality and reliability of information on IP and IPR in Cambodia through IP training for Cambodian government agencies and institutions of higher learning. The department has recognised the need to translate patent information and texts into Khmer to make them more accessible on a national scale.¹³⁵</p> <p>Based on 2009 WIPO data, there were 2 trademark registrations made by Cambodian nationals abroad.</p>

¹³² Saana Consulting, Analysing the Impact of IP Technical Assistance, UK Intellectual Property Office, 2011

¹³³ Light Years IP, *Distinctive values in African exports; how intellectual property can raise export income and alleviate poverty*, 2008.

¹³⁴ WTO Trade Policy Review, Bangladesh, 2012 & Priority Needs for Technical and Financial Cooperation, Communication from Bangladesh, 2010

¹³⁵ Kingdom of Cambodia, Ministry of Commerce, MoU between Department of International Cooperation and Department of IPR/National Committee for IPR, 2010

Lesotho	<p>There is limited information available as to the existence of a national IP database in Lesotho, and the existence of national institutions that facilitate technology transfer agreements for research and development. Lesotho's most recent WTO Trade Policy Review states that technical assistance is required in order to train officials.¹³⁶</p> <p>Lesotho has provided data to WIPO on trademark applications and registrations with a breakdown provided of the origin of the applications. All applications and registrations were made by non-residents.</p>
Madagascar	<p>Madagascar has made some efforts to promote the use of IP as a development tool to promote innovation, research creativity and knowledge transfer. However, efforts made thus far have not yielded convincing results. Information and awareness through the radio, television and press only reach a small proportion of the target population. Progress has been made however with respect to research, technology and innovation through the introduction of research centres but significant efforts are required, with the existing research centres working in synergy, to develop training for operators.¹³⁷</p> <p>Madagascar has reported data to WIPO Statistics on patent, trademark and industrial design applications and registrations from 2008 to 2011. It has also provided a breakdown of the origin of the applications.</p>
Malawi	<p>Malawi has highlighted a number of areas where strengthening of the IP infrastructure and raising awareness could facilitate increased development. For instance, the creation of a Patent Information System (PIS) could help to spur innovation and technology transfer to support industrial development in key sectors such as manufacturing, mining and agriculture.¹³⁸</p> <p>Sub-theme 5 of Malawi's Growth and Development Strategy focuses on research, science and technology with the goal to attain sustainable socio-economic development through the development and application of science and technology in order to improve industrial productivity and quality of goods and services.¹³⁹</p>
Mali	<p>The Malian Centre for the Promotion of Industrial Property (CEMAPI) has a number of different functions related to IP. Specifically in promoting the use of IP as a development tool, the office plays a role in promoting awareness of the importance of IP and assists users to complete the formalities for obtaining IP titles.¹⁴⁰</p> <p>The EIF DTIS (2004) noted the importance of IPR in relation to cultural industries, with support being primarily in the form of application and knowledge dissemination of the rights and duties pertaining to intellectual property protection for artists.¹⁴¹</p> <p>According to WIPO Statistics, Mali reported data on applications and registrations of industrial designs made by both residents and non-residents from 2008 to 2011.</p>
Mozambique	<p>The Mozambique Industrial Property Office has a wide range of information related to IP including information on registration and legislation.</p> <p>The Mozambique Science, Technology and Innovation Strategy details the importance of technology transfer and licensing of IP.¹⁴² It addresses the need to establish the technical skills and capacity to address issues related to IPR protection in order to ensure that the use of IP will be geared towards development.</p> <p>According to WIPO Statistics, Mozambique reported data on applications and registrations of trademarks covering the period 2008 to 2011 but no breakdown into resident and non-resident was provided.</p>
Nepal	<p>The Department of Industries website contains information on patents, trademarks and designs, and also specifically regarding the rights, application process, examination and publication of the form of IP.</p>
Rwanda	<p>Improving science and technology outcomes is a priority of the Government and is</p>

¹³⁶ WTO, SACU TPR, Annex 2: Kingdom of Lesotho, 2012

¹³⁷ WTO TRIPS Council, Priority Needs for Technical and Financial Cooperation: Communication from Madagascar, 2013

¹³⁸ Malawi Ministry of Industry and Trade, 2011

¹³⁹ Government of Malawi, Growth and Development Strategy, 2006-2011

¹⁴⁰ WTO, TPR Benin, Burkina Faso and Mali, Annex 3: Mali, 2012

¹⁴¹ Mali, *Expanding and Diversifying Trade for Growth and Poverty Reduction: DTIS*, 2004

¹⁴² Republic of Mozambique, Mozambique Science, Technology and Innovation Strategy, 2006

	<p>emphasised in the National IP Policy. Rwanda has established the Centre for Innovation and Technology Transfer, increased public expenditure on R&D and expanded university courses to strengthen the country's technological and broader economic development.¹⁴³</p> <p>The website of the Office of the Registrar General has an IPR information service available to the public. Information can be found on specific IPRs or groups of rights and search results are available in pdf format.¹⁴⁴</p> <p>WIPO Statistics reveals that as of 2009, 1 industrial design application had been made.</p>
Samoa	<p>There is little evidence available of Samoa's use of IP as a development tool evidenced by the lack of information on the existence of a comprehensive patent information system database, the existence of national institutions to facilitate technology transfer, or information on whether Samoan nationals hold IPRs domestically or abroad.</p>
Senegal	<p>The Senegalese Agency for Industrial Property and Technological Innovation does not appear to have a comprehensive patent information system database. However one of the principle missions of the agency is to educate individuals on the uses of inventions, trademarks, and industrial designs in order to enable their contribution to technological and economic development.</p> <p>Senegal identifies the lack of R&D facilities and low levels of technology transfer as major obstacles to development. The Industrial Property Office engages with SMEs to raise awareness of the importance of IP protection.¹⁴⁵</p> <p>Senegal has reported limited data to WIPO Statistics on design applications and registrations however there is no breakdown of this information to determine the origin of the applicant.</p>
Sierra Leone	<p>Sierra Leone has identified challenges in formulation and implementation of national IP policies and strategies, specifically limited capacity building in the form of education and knowledge raising. Courses in the study of law generally exclude teaching on the laws related to IP.¹⁴⁶</p> <p>Sierra Leone's needs communication to the WTO supports the above statement calling for assistance in the areas of innovation promotion, technology transfer, creativity and the general use of IP for development.¹⁴⁷</p> <p>WIPO IP Statistics Data Centre contains some information on IP applications and registrations reported by Sierra Leone. No trademark registrations were reported as made to residents between 2008 and 2011 (no information on patent or industrial designs).</p>
Tanzania	<p>A forum was held in November 2011 on the interface between IP and enhanced performance of agro-foods industries in Tanzania, highlighting the recognition of the importance of promoting an understanding of how IP systems can be used to benefit industries.</p> <p>The Copyright Society of Tanzania was established under the Ministry of Trade and Industry providing services of registration, licensing, distribution, legal services, and anti-piracy. The key objectives of the society include the advancement of economic and moral interests of authors and performers, the establishment of effective machinery for collection of royalties, the adoption of modern business practices and the building of an efficient and effective workforce.</p> <p>The Business Registration and Licensing Agency (BRELA) contains a number of publications and reports on IP, setting out the national IP strategy for Tanzania. The National Intellectual Property Strategy 2012 highlights the need to develop sustainable capacities to enable Tanzania to use IP as a vehicle for building a competitive economy through creation, innovation/inventions, utilisation and acquisition of IP. Specifically, a programme designed to enhance capacities to raise IP awareness, develop IP knowledge and conduct IP research has been proposed.</p> <p>The Tanzanian Commission for Science and Technology is a prime driver of science, technology and innovation for sustainable development in Tanzania fostering a knowledge-</p>

¹⁴³ Rwanda Ministry of Trade and Industry, Intellectual Property Policy, 2009

¹⁴⁴ Rwanda Office of the Registrar General, Register of Intellectual Property Rights: http://org.rdb.rw/?page_id=31

¹⁴⁵ WTO Trade Policy Review, Senegal, 2009 & Priority Needs for Technical and Financial Cooperation, Communication from Senegal, 2011

¹⁴⁶ Sierra Leone Presentation on challenges in formulation and implementation of national IP policies and strategies: http://www.wipo.int/edocs/mdocs/aspac/en/wipo_inn_tyo_12/wipo_inn_tyo_12_ref_t3sierra_leone.pdf

¹⁴⁷ WTO, Communication from Sierra Leone, Priority Needs for Technical and Financial Cooperation, 2008

	<p>based economy through promotion, coordination of research, technology development and innovation.</p> <p>The most recent EIF DTIS update (2009) included IP for the first time, focusing on expanding the competitive export supply of goods and services.¹⁴⁸</p>
Uganda	<p>There has been the development by the Uganda National Council for Science and Technology of a National Science Technology and Innovation Plan 2012/13 to 2017/18.</p> <p>Uganda's national science and technology policy framework (both in the National Development Plan and the National Science & Technology Strategy) highlights the importance of IP in the promotion of science and innovation for continued development. The Ugandan National Council for Science and Technology includes IP management as one of its key areas and holds monthly workshops free of charge for individuals and businesses seeking advice on patents, trademarks and other IP related issues.¹⁴⁹</p> <p>The Uganda Registration Services Bureau is responsible for IPR including the registration of patents and utility models. The website provides users with clear information on what constitutes an IPR, what can be protected and how. There are also forms available on the website for trademark applications.¹⁵⁰</p>
Vanuatu	<p>There is little evidence available of Vanuatu's use of IP as a development tool evidenced by the lack of information on the existence of a comprehensive patent information system database, the existence of national institutions to facilitate technology transfer, or information on whether Ni-Vanuatu nationals hold IPRs domestically or abroad.</p>
Zambia	<p>The Patents and Companies Registration Agency (PACRA) is the semi-autonomous agency of the Zambian Ministry of Commerce, Trade and Industry. One of PACRA's functions is to promote the establishment and maintenance of a computerised information centre for the publicity of company transactions, financial positions and the dissemination of technical information contained in patent documents to potential and actual users. There is also information on how to obtain a patent and register a trademark, all available for public use.</p> <p>On the website, there is information kept by the Companies and Business names Registry that is open to the public upon payment of a fee.¹⁵¹</p> <p>The National Technology Business Centre of Zambia offers a range of services related to IP and the transfer of technology. Consultancy services are provided in the areas of utilisation, adaption and adoption of technologies, commercialisation of innovations and promoting development of technology inclined businesses. In technology transfer, the centre brings technology seekers and users together to improve quality production of goods and services as well as providing advice on IP protection and utilisation.¹⁵²</p> <p>WIPO Statistics provides data on trademark applications and registrations made from 2008 to 2011 however no breakdown of origin of the application is available.</p>

3.2 Regional level policies & measures relevant to LDC members

African Regional Intellectual Property Organisation

The African Regional Intellectual Property Organisation (ARIPO) was established in 1976 and consists of the following member countries: Botswana, the Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mozambique, Namibia, Rwanda, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia, and Zimbabwe.

ARIPO evolved from the English Speaking African Regional Industrial Property Organisation (ESARIPO). The organisation was created to derive advantage from the effective and continuous exchange of information and the harmonisation and coordination of IP policies,

¹⁴⁸ United Republic of Tanzania, Ministry of Industry, Trade and Marketing; *Tanzania Trade Integration Strategy*, 2009-2013.

¹⁴⁹ Uganda National Council for Science and Technology, National Science, Technology and Innovation Plan, 2012

¹⁵⁰ Uganda Registration Services Bureau,

http://www.ursb.go.ug/index.php?option=com_content&view=article&id=33&Itemid=105

¹⁵¹ Patents and Companies Registration Agency: <http://www.pacra.org.zm/>

¹⁵² National Technology Business Centre, Zambia: <http://www.idisc.net/en/Incubator.165448.html>

laws and activities. ARIPO is located in Harare and currently includes 9 WTO-member LDCs. ARIPO administers the Harare and Banjul protocols, which were adopted in 1982 and 1997 respectively. All the member states of ARIPO except Somalia are members of the Harare Protocol. The members of the Banjul protocol, however, are four WTO-member LDCs namely Lesotho, Malawi, Tanzania and Uganda.

The Harare and Banjul protocols (henceforth referred to as the 'regional systems') aim to streamline the filing and processing of patent, utility model, industrial design and trademark applications, granting or registering and administering patent, utility model, industrial design and trademark titles. The agreements provide for centralised procedures including renewal, publication, amendments and representation.

When an application is filed with a national industrial property office, the office has a duty to transmit the application to ARIPO within one month of receiving the application. Upon receipt of the application, the organisation will undertake a formal examination of applications for registration of industrial designs and trademarks, and both formal and substantive examinations of patent and utility model applications and notify designated states. The designated state has a duty to communicate its decision. Where no communication is made within the prescribed period of time or when an application is accepted, the organisation will publish a notice in its journal that the patent is granted or the utility model, industrial design or trademark is registered.

ARIPO-members are expected to incorporate the provisions of the protocols into their domestic legislation. It should be noted, however, that the regional systems do not replace national industrial property systems. Matters arising after the grant or registration of titles (except renewal) as well as enforcement actions against infringement of industrial property titles are governed by national laws of the member countries. Member states may, for example, issue a compulsory license or revoke granted titles.

Two major processes are taking place in ARIPO with respect to the development of the regulatory framework for the protection of IP. The first is the on-going establishment of the legal framework for the protection of plant varieties. The second important development is the prospective development of a regional framework for the protection of geographical indications. The establishment of such a framework is now made possible with the signing in November 2012 of a cooperation agreement between the European Commission and ARIPO. The purpose of this cooperation agreement is to improve the protection of traditional agricultural products (geographical indications or 'GIs') in Africa. The specific actions that will be conducted in the context of this cooperation agreement are the promotion of a GIs legal framework, informing producers and other stakeholders as well as enhancing the public's awareness of GIs and their potential for African producers.

ARIPO faces issues such as working with obsolete laws, and the lack of laws in some areas such as plant variety protection. ARIPO has identified the need for assistance on the establishment of regulatory frameworks, training, capacity building, awareness-raising on IP, IP administration and the modernisation of the IP infrastructure including the automation of the IP system.

With regards to resource mobilisation, ARIPO indicates that a number of partners have provided support to the organisation for its activities including the United States Patent and Trademark Office, the European Union, WIPO, China and Australia.

ARIPO patent, trademark and industrial design data¹⁵³

With regards to statistics on IP applications and registrations, according to data reported to WIPO, total patent applications at ARIPO have fluctuated considerably over the last decade

¹⁵³ WIPO Statistics IP Data Centre website: <http://ipstatsdb.wipo.org/ipstats/ipstats/patentsSearch>

with the periods 2002-2007 and 2009-2011 displaying no applications submitted at all. Total trademark applications peaked in 1997 followed by a substantial decline with no applications reported since 2002. Industrial design applications experienced a similar pattern with no reported applications after 2001.

Organisation Africaine Propriété Intellectuelle

The Organisation Africaine de la Propriété Intellectuelle (OAPI) emerged out of the Bangui Agreement of 2nd March 1977. Member countries include Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Cote D'Ivoire, Gabon, Guinea, Guinea-Bissau, Equatorial Guinea, Mali, Mauritania, Niger, Senegal, and Togo.

OAPI provides co-operation in the protection of IPRs in its Member States, 11 of which are WTO-member LDCs. The mention of the various international treaties on IP in the preamble of the 1999 Revised Bangui Agreement, including the 1994 WTO TRIPS Agreement, is a clear indication that the OAPI instrument is shaped to reflect existing international standards and trends concerning the protection and administration of IPRs. Indeed, in order to be in a better position to cooperate internationally pursuant to Article 69 TRIPS, the 1977 Bangui Agreement was revised in 1999 specifically in response to the requirements of the TRIPS Agreement.

The Bangui Agreement is divided into eleven parts including the agreement itself to which 10 annexes are associated with each representing a tool for the protection of a specific type of IPR. A look at these annexes in comparison with Part II of the TRIPS Agreement reveals that the 1999 Revised Bangui Agreement has largely covered the types of IPRs treated by the TRIPS Agreement.

OAPI provides a common administration of all forms of industrial property, with the headquarters of OAPI working with national liaison structures (generally located within national ministries charged with industrial and commercial issues) in the filing and registration of industrial property titles.

Concerning the role of OAPI in the development of national IP policies in its member countries alongside other technical assistance provided by organisations such as WIPO, OAPI's role has been predominantly observatory in order to ensure that policies reflect the Bangui Agreement in its current form and include areas that are likely to be added in a planned revision.

One significant development in respect of the efforts deployed by OAPI to promote the use of IP as development tool is the institution's setting up of a special fund to which a range of actors are eligible. Called Fonds d'Aide à la Promotion de l'Invention et de l'Innovation (FAPI), this mechanism has been set up by OAPI in order to assist the organisation in pursuing the valorisation of the patents that it delivers. In valorising patents, OAPI hopes to ensure efficiency in its assistance to its member countries' strategies aimed at integrating the role of innovations in the broader development process. Considering that the mechanism targets the broader development strategies of OAPI member countries, it is also a tool available to the private sector as it looks to enhance its development-oriented innovation activities.

A revision process of the Bangui Agreement has been started, and the on-going internal process within OAPI to develop a sui generis IP-based tool for the protection of genetic resources and traditional knowledge will be one of the major expected additions to the annexes of the Bangui Agreement within this framework.

Broadly speaking, OAPI has expressed its needs as an organisation to centre on the areas of modernisation of IP systems with the establishment of an automated system, training of actors such as the judiciary for the enforcement of IP and the broader fight against

counterfeit goods. One of the main difficulties raised by OAPI which constrains efforts to mobilise resources from international co-operation partners is the fact that most co-operation partners tend to work directly with countries rather than regional entities.

The organisation operates on the basis of a five-year plan of action which details the specific activities co-operation partners may fund in order to support the improvement of the OAPI IP system. The 2013-2017 plan is an important tool that OAPI is willing to share with interested partners which may be interested to support the organisation.

OAPI patent, trademark and industrial design data¹⁵⁴

According to data reported to WIPO, the OAPI experienced significantly more applications across patents, trademarks and industrial designs than ARIPO. Total patent applications reported have experienced relatively consistent growth since the sharp fall between 1995 and 1996, although there have been no reported applications since 2009. Total trademark applications showed a more sustained increase in numbers, peaking at over 3,000 applications in 2008. Like patent applications, there have been no trademark applications reported since 2009. Industrial design applications were more sporadic, and applications peaked in 2009 but dropped sharply in 2010.

East African Community

The East African Community (EAC) was established following the EAC Treaty of 1999 and consists of 5 partner states: Burundi, Kenya, Rwanda, Tanzania, and Uganda (four of which are WTO-member LDCs).

The objectives of the EAC as set out in the 1999 EAC Treaty are to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit.

One of the areas of cooperation identified in the Protocol Establishing the Common Market¹⁵⁵ of the EAC is in the promotion of IP through the development of common policies within the community. With regards to the cooperation in IPR, Article 43 of the Common Market Protocol provides that the Partner States undertake to:

- Promote and protect creativity and innovation for economic, technological, social and cultural development in the Community; and
- Enhance the protection of intellectual property rights.

The areas of cooperation on IP matters identified by the protocol are:

- Copyright and related rights
- Patents
- Layout designs of integrated circuits
- Industrial designs
- New plant varieties
- Geographical indications
- Trade and service marks
- Trade secrets

¹⁵⁴ WIPO Statistics IP Data Centre: <http://ipstatsdb.wipo.org/ipstats/ipstats/patentsSearch>

¹⁵⁵ EAC, *Protocol on the Establishment of the East African Community Common Market*, Tanzania, 2009.

- Utility models
- Traditional knowledge
- Genetic resources
- Traditional cultural expressions and folklore
- Any other areas that may be determined by the Partner States.

The Common Market Protocol calls on the EAC Council to issue directives to EAC Partner States to co-operate in the administration, management and enforcement of IPR and to eliminate discriminatory practices in the administration of IPR amongst Partner States. Furthermore, the Common Market Protocol invites EAC Partner States to establish mechanisms that ensure the legal protection of the traditional cultural expressions, traditional knowledge, genetic resources and national heritage; the protection and promotion of cultural industries; the use of protected works for the benefits of the communities in the Partner States and cooperation in public health, food security, research and technological development.¹⁵⁶

Article 103 of the EAC Treaty and Article 43 of the EAC Common Market Protocol set out the framework for regional cooperation and harmonisation of IPR policies. An EAC Regional IP Protocol and Policy on the utilisation of Public Health-Related WTO-TRIPS flexibilities and the approximation of national IP legislation was finalised in February 2013. This initiative aims at maximising the benefits of TRIPS flexibilities, through harmonisation of EAC countries' policies on IPRs, and to facilitate the manufacture and imports of essential medicines. A Technical Expert Committee on TRIPS and Access to Medicines (TECTAM) is already in place to oversee the implementation of this initiative. The main challenge to development of the policy and protocol has been the low level of awareness (in key stakeholders within the EAC) of the role of IP in development, and in particular the importance of the WTO TRIPS flexibilities in facilitating local manufacturing capacity within the region.

Efforts are also being made at the regional level to fight counterfeit and pirated products. The EAC Anti-Counterfeiting Bill is currently being finalised by the EAC Secretariat.

Association of Southeast Asian Nations

The Association of Southeast Asian Nations (ASEAN) was established on 8th August 1967 by founding members; Indonesia, Malaysia, Philippines, Singapore and Thailand. Today, membership has expanded to 10 countries, with additional members being Brunei Darussalam, Cambodia, Lao PDR, Myanmar and Viet Nam (three of which are WTO-member LDCs).

The ASEAN Declaration comprises seven aims and purposes, two of which have the potential of benefiting from setting up of common IP policies within the association. Indeed, the first aim and purpose of the ASEAN declaration is: 'To accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian Nation'. While the fifth aim and purpose of the ASEAN Declaration is for its Member States: 'to collaborate more effectively for the greater utilisation of their agriculture and industries, the expansion of their trade, including the study of the problems of international commodity trade, the improvement of their transportation and communications facilities and the raising of the living standards of their peoples'.¹⁵⁷

¹⁵⁶ EAC, Common Market Protocol Article 43, Cooperation in Intellectual property Rights, 2009

¹⁵⁷ Association of Southeast Asian Nations, Overview: <http://www.asean.org/asean/about-asean/overview>

The common vision of the ASEAN countries on IP protection was crystallised in the 2004-2010 Intellectual Property Action Plan.¹⁵⁸ The objectives of the action plan are:

- To help accelerate the pace and scope of IP asset creation and commercialisation inside and outside ASEAN, and the formation of domestic and cross-border linkages in S&T fields and R&D activities.
- To develop and harmonise an enabling IPR registration, protection and enforcement framework of policies and institutions in the region.
- To promote greater public awareness, and the building up of human resources and institutions relating to IP and IPRs in ASEAN.
- To further empower national IP Offices in the collaborative provision of Business Development Services (BDS) in support of the above objectives.

The realisation of the objectives of the IP action plan was made possible with the setting up of the EC-ASEAN Project on Intellectual Property Rights (ECAP). This is now in phase III, with funding provided through the financing agreement signed 21st October 2009 between the European Commission and the ASEAN Secretariat, and a contribution agreement signed on 18th December 2009 between the European Commission and the European Patent Office. The overall objective of ECAP III is to further integrate ASEAN countries into the global economy and world trading system to promote economic growth and reduce poverty in the region. The project aims to facilitate ASEAN regional integration through the establishment of a regional institutional capability within ASEC to support policy coordination and drafting of new policies, preparing for Summits and developing existing national and regional structures towards regional ASEAN integration.¹⁵⁹ ECAP III comprises five components notably:

- Component I: Capacity building and regional cooperation for IP enforcement and regulation in ASEAN.
- Component II: Improving the legal context and administration of IPRs in ASEAN countries harmonised with international and regional commitments to IP standards.
- Component III: Using IP as a tool for economic development and integration in ASEAN.
- Component IV: Structured expansion of IP education, training and research institutions and programmes within a common ASEAN-wide regional network.
- Component V: Enhanced capacity of ASEC to support, monitor and coordinate regional policies and work streams on IP including support to ASEAN institution building.

The aim is for ECAP III to bring about greater alignment of the ASEAN countries' IP law and policies at domestic and community level with the minimum requirements of TRIPS.

¹⁵⁸ Association of Southeast Asian Nations, ASEAN IP Action Plan 2004-2010:

<http://www.asean.org/component/zoo/item/asean-intellectual-property-right-action-plan-2004-2010>

¹⁵⁹ ASEAN Project on the protection of intellectual property rights, ECAP III: <http://www.ecap-project.org/>