

PRIORITY NEEDS FOR TECHNICAL AND FINANCIAL COOPERATION

Communication from Rwanda

According to paragraph 2 of the Decision of 29 November 2005 on the Extension of the Transition Period under Article 66.1 for Least Developed Country Members, "all the least developed country Members will provide to the Council for TRIPS, preferably by 1 January 2008, as much information as possible on their individual priority needs for technical and financial cooperation in order to assist them taking steps necessary to implement the TRIPS Agreement".

The present document reproduces the information which has been received from the delegation of Rwanda by means of a communication dated 28 May 2010.

I. INTRODUCTION

1. The TRIPS Council Decision of 29 November 2005 extended the transition period for Least Developed Countries (LDCs) to implement the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) until 1 July 2013. At the same time, LDCs are not obliged, with respect to pharmaceutical products, to implement or apply Sections 5 and 7 of Part II of the TRIPS Agreement or to enforce rights provided for under these Sections until 1 January 2016. In both cases, LDCs have reserved the right to seek further extensions of these transition periods.

2. Paragraph 2 of the 29 November Decision has requested LDC Members, including Rwanda, to provide as much information as possible to the Council, preferably by 1 January 2008, on their individual priority needs for technical and financial co-operation in order to assist them in taking steps necessary for implementing the Agreement.

3. Rwanda has decided to respond to this request. In making our decision, we were encouraged by the submissions of Sierra Leone¹ and Uganda² - and more recently Bangladesh, which not only responded substantively to the Council for TRIPS' request but have been able to develop concrete projects to address the identified needs.

4. In recent years, Rwanda has taken important steps to rebuild its infrastructure and modernize its economy with a view towards expanding trade and investment relations with the rest of the world. Rwanda's aim, under Vision 2020, to transform its economy into a middle income economy by 2020

¹ See WTO documents IP/C/W/499 and IP/C/W/523.

² See WTO documents IP/C/W/500 and IP/C/W/510.

will require significant transformations and large investments in science and technology, innovation and entrepreneurship.

5. In this context, the area of intellectual property (IP) has witnessed important developments in Rwanda. A new IP code was enacted in November 2009. Subsequently, the government of Rwanda adopted, on 24th March 2010, the **Rwanda Intellectual Property Policy** with the following mission: *"To ensure that national IP laws, institutional practices and strategies in public research institutions and industry are developed and implemented in a manner that contributes to building Rwanda's technological base and cultural industries and that advancements in science and technology benefit society."*

6. Rwanda's IP Policy is based on the premise that "intellectual property protection should contribute to technical innovation and the transfer of technology" and that "both producers and users should benefit, and economic and social welfare should be enhanced". In this regard, it is emphasized that: "Rwanda's IP Policy must comply with the TRIPS Agreement, but should also use its exceptions intelligently".

7. Thus, in advancing the TRIPS Agreement implementation process, an underlying assumption for Rwanda, as acknowledged in the TRIPS Agreement Preamble, *the need for maximum flexibility in the domestic implementation of laws and regulations in order to enable [LDCs] to create a sound and viable technological base*. In this regard, Rwanda would like to reiterate that as an LDC, it enjoys maximum policy flexibility in building a sound and viable technological base and safeguarding public health and nutrition under the TRIPS Agreement.

8. Consequently, IP Policy is predicated on six interrelated objectives which are:

- (a) Increasing technological literacy and advanced scientific and technological skills that in turn would increase the innovation capacity.
- (b) Promotion of innovation and creativity including minor and incremental innovations to provide an opportunity for the largest number of individuals and firms to participate in innovation.
- (c) Increasing access to foreign and local technology by local firms and research institutions.
- (d) Improving access to IP-based essential goods and services especially health and food.
- (e) Facilitating investments in innovative and creative activities.
- (f) Enhance the protection of traditional knowledge and facilitate equitable access to genetic resources and benefit-sharing.

9. The implementation of Rwanda's IP Policy objectives will require significant scaling-up of the country's technical and human capacities on IP as well as financial resources, in particular through obtaining needs-based technical assistance and capacity building based on clear priorities and coordinated delivery and evaluation.

10. In this respect, Rwanda wishes also to highlight the importance of the commitment made by developed country members to provide technical and financial assistance on mutually agreed terms under Article 67 of the TRIPS Agreement, as well as providing incentives for transfer of technology under Article 66.2.

II. THE PROCESS FOR ASSESSING THE NEEDS FOR IP TECHNICAL AND FINANCIAL CO-OPERATION

11. Against this background, the government of Rwanda requested, in May 2008, the International Centre for Trade and Sustainable Development (ICTSD) to assist it in the preparation of the assessment of its priority needs for IP technical assistance and financial cooperation in the context of the TRIPS Council Decision mentioned above. At the same time, the United Nations Conference on Trade and Development (UNCTAD) received a request from the Government of Rwanda to assist it in the preparation of its IP policy. Consequently, ICTSD and UNCTAD decided to pool their resources and expertise, under their joint Project on IPRs and Sustainable Development, to respond to these requests in the most effective and able manner.

12. In partnership with Rwanda's Ministry of Trade and Industry (MINICOM), which served as the national focal point, two national multi-stakeholder consultations were held, respectively in September 2008 and March 2009, with the participation of a variety of national stakeholders from government, the private sector and civil society and with the technical support and input of an international expert from IQsensato. Interviews with key stakeholders were also carried out.

13. The needs assessment exercise was based on the diagnostic toolkit for *Assessing Technical Assistance Needs for Implementing the TRIPS Agreement in LDCs*, developed by ICTSD and Sanna Consulting, which may be of use to other LDC wishing to undertake such an assessment.³

14. The simultaneous elaboration of an IP policy and an assessment of priority needs for IP technical assistance and financial cooperation proved to be useful, in terms of synergies and complementarities, as it ensures that the technical assistance needs identified are supportive of the objectives of the IP policy and its implementation.

III. PRIORITY NEEDS FOR IP TECHNICAL ASSISTANCE AND FINANCIAL COOPERATION

15. Annex 1 to this communication highlights the main priorities in terms of technical and financial cooperation needs for taking the steps necessary to implement the TRIPS Agreement based on feedback and inputs provided in multi-stakeholder consultations and in interviews carried out at the national level.

16. The needs assessment includes as its main components: promoting innovation, creativity and technology transfer for development, the IP policy and legal framework, IPRs administration and IP enforcement.

A. INNOVATION, CREATIVITY AND TECHNOLOGY TRANSFER FOR DEVELOPMENT

17. Rwanda's aim, under Vision 2020, to transform its economy into a middle income economy by 2020 will require significant transformations and large investments in science and technology, innovation and entrepreneurship. This requires strategic policy interventions to support nascent innovative and creative industries and activities.

³ See Mart Leesti and Tom Pengelly (2007) *Assessing Technical Assistance Needs for Implementing the TRIPS Agreement in LDCs*, ICTSD Programme on Intellectual Property Rights and Sustainable Development, International Centre for Trade and Sustainable Development, Geneva, Switzerland. Available at <http://ictsd.net/i/ip/technical-cooperation/11549> and at <http://www.iprsonline.org/ictsd/docs/LDCToolkit-final.pdf>

18. In this connection, a number of priority technical and financial assistance needs arise to support:

- Carrying out an innovation and creative industries survey that provides a clear baseline for understanding the current levels of innovation, sources and incentives.
- Developing IP policies and strategies for public research institutions, including through specialised curricula and training on innovation and IP management for the research and scientific community.
- Developing industry support services and awareness including helping firms to identify relevant technologies from patent information, providing a patent information service not only about patents in Rwanda but also internationally; assisting industry identify relevant public domain technologies and in examining the terms and conditions of licensing agreements.

B. IP POLICY AND LEGAL FRAMEWORK

19. As previously mentioned, Rwanda has recently adopted its first comprehensive IP Policy. A number of technical and financial needs were identified as important in implementing the policy, such as the support for the establishment and operation of the Rwanda Development and Intellectual Property Forum. The Forum will be co-chaired by MINICOM, the Ministry of Sports and Culture (MINISPOC) and the Rwanda Science and Research Council (RSRC).

20. In terms of legislative development, Article 289 of the new IP Code mandates the development of a special law on traditional knowledge and genetic resources. The elaboration of a comprehensive law will require financial and technical support for national stakeholder consultations and the actual preparation of the relevant texts and regulations.

21. In view of the importance of developments on IP in Rwanda, there is an urgent short-term need to sensitize and train key stakeholders, within government, the private sector, research institutions and civil society and consumer organizations, on TRIPS and the new IP Code, including on TRIPS flexibilities and exceptions in IP laws, and to promote public awareness on innovation and IP. In the medium-term, the priority is the development of advanced tailor-made courses on development, innovation and IP for government officials, particularly in key ministries and agencies.

22. To ensure continued education and capacity development among stakeholders as well as to support research and policy analysis in the longer-term, the need for establishing an IP resource and information centre at MINICOM was identified as a priority..

C. IPR ADMINISTRATION

23. The Rwanda Development Board (RDB), which is now in charge of IP administration, was established in 2008, as part of on-going legal and commercial reforms aimed at facilitating business entry and commercial activities.

24. However, with a new institution with new staff and systems, the technical and financial assistance needs are significant. The priority needs, in this regard, relate to:

- Human resource development, in particular on-the-job training for the new staff, missions to other IP offices in Africa and elsewhere and advanced courses in IP administration and management.

- Computerisation of documentation and operations and IT support, in particular, procurement of equipment and specialised software to cover the costs of scanning and archiving the old paper records, training of staff and obtaining access to relevant international repositories and databases.
- Support for accession process to the African Regional Intellectual Property Organization (ARIPO) so as to maximise the internal capacity in Rwanda, including support to help relevant government ministries and agencies hold national consultations to undertake the necessary procedures for accession.

D. IPR ENFORCEMENT

25. The new IP Law includes extensive provisions on enforcement and provides a range of powers to the judiciary and special tribunals, the police and customs authorities to address IP enforcement. The law also seeks to provide safeguards for third parties in line with the TRIPS principles. The promulgation of the new policy and law also coincides with the inauguration of the Commercial Court branch of the High Court of Rwanda under whose jurisdiction IP issues fall.

26. To achieve a more effective IPRs enforcement framework in Rwanda, a number of priority technical and financial cooperation needs have been identified by key stakeholders. These relate to:

- Developing and rolling out public awareness campaigns.
- Training for enforcement agencies, particularly the police, customs officials and the judiciary through advanced specialised courses in the short and medium term.
- Provision of detection and testing equipment and the development of IP enforcement manuals for key enforcement agencies.
- Access to jurisprudence and research resources for the Commercial Courts including through the establishment of a special IP section in the Commercial Court library.

IV. RWANDA DEVELOPMENT AND IP CAPACITY BUILDING PROJECT

27. Annex 2 (to be circulated at a later date) of this submission outlines the proposed Rwanda Development and IP Capacity building Project which intends to translate the needs assessment identified into a concrete technical assistance project to enable the country implement its IP Policy and IP Code and thereby move towards the implementation of the TRIPS Agreement, taking into account its LDC status.

28. The outline of the project includes: the overall project objectives, the main activities and the expected results. The full project design and development will require a national process for which Rwanda will require interim technical and financial assistance. This preparatory process would involve refining the activities, budgeting, management structure and developing the monitoring and evaluation system.

V. LOOKING AHEAD

29. Within the framework of our new IP policy and of the IP technical and financial assistance needs identified, and mindful of the commitment made by developed countries under Article 67 of the TRIPS Agreement, of the WIPO Development Agenda recommendations on technical assistance, and the principles set out in the 2005 Paris Declaration on aid effectiveness, Rwanda requests early consultations with appropriate agencies from developed country WTO members, and in coordination

with international institutions and interested NGOs working on trade, IPRs and development, to take forward the implementation of its IP policy and the needs identified in this connection.

30. Rwanda requests that partners for the consultations include WTO, WIPO, UNCTAD, WHO, the CBD, UNESCO, UNFCCC, UNEP, UNIDO, FAO, UNCTAD the World Bank and/or other interested international and regional organizations, as well as bilateral donor agencies such as DFID, IP offices, and civil society organizations such as ICTSD.

31. We take this opportunity to thank the different providers, international institutions and bilateral donors for the support they have already given to Rwanda. We look forward to partnering with them in a new phase of implementing our IP policy, as a key part of our wider efforts to promote development by strengthening the country's creative industries and its scientific and technological base.

ANNEX 1

**Technical and Financial Cooperation Needs for the
Implementation of the TRIPS Agreement in Rwanda**

Report of Needs Assessment Diagnostic

May 2010

Table of Contents

List of Acronyms and Abbreviations	9
Foreword.....	11
Summary of the Results of the Needs Assessment	13
1. Introduction.....	17
2. National Development Context	17
2.1 Human and social development indicators	17
2.2 Government and political structure	18
2.3 Economy and natural resources	19
2.4 National development and poverty reduction strategies	19
2.5 Development assistance	20
2.6 Intellectual property in the national development context	21
3. Innovation, Creativity and Technology Transfer for Development	21
3.1 Overview of current status	22
3.2 Priority needs for technical cooperation, financial assistance and capacity building	23
4. IP Policy and Legal Framework	25
4.1 Overview of current status	25
4.2 Priority needs for technical cooperation, financial assistance and capacity building	27
5. IPR Administration	28
5.1 Overview of current status	28
5.2 Priority needs for technical cooperation, financial assistance and capacity building	29
6. IPR Enforcement	30
6.1 Overview of current status	30
6.2 Priority needs for technical cooperation, financial assistance and capacity building	31
Tables	
Table 1: Industrial property grants in Rwanda since independence	26
Attachment A: Outline of the Rwanda Development and IP Capacity building Project.....	33
Attachment B: IP Stakeholder Map for Rwanda.....	36

List of Acronyms and Abbreviations

ARIPO	African Regional Intellectual Property Organization
AU	African Union
BSHG	Budget Support Harmonisation Group
CAPMER	Center for Support to Small and Medium Enterprise in Rwanda
DRC	Democratic Republic of Congo
DTIS	Diagnostic Trade Integration Study
DPCG	Development Partners Coordination Group
EAC	East African Community
EC	European Communities
EDPRS	Economic Development and Poverty Reduction Strategy
EPAs	Economic partnership agreements
FDI	Foreign direct investment
GDP	Gross domestic product
GIs	Geographical indications
HDI	Human Development Index
HDR	Human Development Report
HIPC	Heavily Indebted Poor Countries
HIDA	Human Resource and Institutional Capacity Development Agency
ICT	Information and communications technology
IRST	Institute of Scientific and Technological Research
IF	Integrated Framework
ICTSD	International Centre for Trade and Sustainable Development
IMF	International Monetary Fund
IP	Intellectual property
IPR	Intellectual property rights
IPRTA	IPR technical and financial assistance
KIST	Kigali Institute of Science and Technology
LDCs	Least-developed countries
MDGs	Millennium Development Goals
MINICOM	Ministry of Trade and Industry
MINISPOC	Ministry of Sports and Culture
MINISTR	Ministry of Science, Technology and Scientific Research
NEPAD	New Partnership for Africa's Development
ORTPN	Office of Rwanda Tourism and National Parks
PVP	Plant variety protection
PEPFAR	The President's Emergency Plan for AIDS Relief
R&D	Research and development
RCRSA	Rwanda Commercial Registration Services Agency
RBS	Rwanda Bureau of Standards
RDB	Rwanda Development Board
RILO	Regional Intelligence Liaison Office of the World Customs Organization
RIEPA	Rwanda Investment and Export Promotion Agency
RITA	Rwanda Information Technology Authority
STIR	Science, Technology and Innovation for Results Programme
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
UN	United Nations
UNICEF	United Nations Children's Fund
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNAIDS	United Nations Joint Programme on AIDS

UNU- IAS United Nations University Institute of Advanced Studies
UNU-INTECH United Nations University Institute for New Technologies
USD United States Dollars
WCO World Customs Organization
WHO World Health Organisation
WIPO World Intellectual Property Organization
WTO World Trade Organization

Foreword

In its decision of 29 November 2005 extending the transition period for least-developed countries (LDCs) to implement the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)¹, the World Trade Organization (WTO) Council for TRIPS also invited LDC Members to provide as much information as possible to the Council on their individual priority needs for technical and financial co-operation in order to assist them in taking steps necessary for implementing the Agreement.

Rwanda has made a decision to respond to this request. In making our decision, we were encouraged by the responses and follow-up by Sierra Leone² and Uganda³, which not only responded substantively to the Council for TRIPS' request but have been able to develop concrete projects to address the identified needs. Like Sierra Leone and Uganda, our efforts to respond to the Council for TRIPS request has been supported by International Centre for Trade and Sustainable Development (ICTSD) and the resulting report is based on the Diagnostic Toolkit which was prepared by ICTSD and Saana Consulting to aid the assessment of needs for IPR technical and financial assistance (IPRTA) in LDCs.⁴

The needs assessment diagnostic for Rwanda's technical and financial cooperation needs for the implementation of TRIPS was undertaken between September 2008 and March 2009. The process started with a national stakeholder workshop co-organised by the Ministry of Trade and Industry (MINICOM), ICTSD and the United Nations Conference on Trade and Development (UNCTAD) in September 2008 followed by interviews with key stakeholders as well as research and data analysis by the lead consultant, Sisule Musungu of IQsensato, and ended with national validation workshop in March 2009.

The overall objective of this needs assessment report is to provide a roadmap for intellectual property stakeholders in Rwanda and the country's development partners (see Attachment B for a listing of the key IP stakeholders in Rwanda) in our efforts to build a national IP and technological infrastructure on a sustainable, pro-development basis, and taking the necessary steps for implementation of the objectives, principles, rights and obligations under the TRIPS Agreement. The report takes into account the LDC status of Rwanda, specifically the need for the country to have maximum policy flexibility in building a sound and viable technological base and the obligations of developed country members to provide technical and financial assistance on mutually agreed terms, as well as incentives for transfer of technology.

Similar to the Sierra Leone and Uganda reports this report:

- Provides a **summary of the priority needs for technical and financial co-operation** identified in the diagnostic study.

¹ The decision is contained in WTO document IP/C.40 dated 30 November 2005.

² See WTO documents IP/C/W/499 dated 3 October 2007 and IP/C/W/523 dated 22 October 2008 for details of the Sierra Leone needs assessment diagnostic and follow-up.

³ See WTO documents IP/C/W/500 dated 9 October 2007 and IP/C/W/510 dated 27 May 2008 for details of the Uganda needs assessment diagnostic and follow-up.

⁴ Mart Leesti and Tom Pengelly (2007) Assessing Technical Assistance Needs for Implementing the TRIPS Agreement in LDCs, ICTSD Programme on Intellectual Property Rights and Sustainable Development, International Centre for Trade and Sustainable Development, Geneva, Switzerland. Available at <http://ictsd.net/i/ip/technical-cooperation/11549/>.

- Describes the overall **national development context**, including poverty status, economic and innovation structure, form of government, natural resource base, and key human and social development indicators.
- Examines and analyses the existing arrangements for **promoting innovation, technology transfer and creativity**, and identifies the priority needs for technical co-operation and financial assistance.
- Analyses the existing **IP policy and legal framework**, describes recent developments before identifying and describing the priority needs for technical co-operation and financial assistance for IP policy and legal development.
- Reviews the existing arrangements for **IP administration** and describe the priority needs for technical co-operation and financial assistance in this area.
- Reviews the existing arrangements for **IP enforcement and regulation**. Priority needs for technical co-operation and financial assistance are then identified and described.

In order to provide a basis for developed country members and other development partners to assist Rwanda in addressing the identified needs a detailed **Outline of the Rwanda Development and IP Capacity Building Project** is contained in Attachment A to the report. This proposed project, to be coordinated by MINICOM through the National Development and IP Forum, for an **initial two (2) year period** outlines the:

- overall objective of the project;
- component objectives;
- proposed activities under each component objective;
- project management structure; and
- Expected results and the monitoring and evaluation framework.

The full development of the project, including budgeting, timelines and monitoring and evaluation indicators, will require technical and financial assistance and thorough consultations between government, national stakeholders, international stakeholders and development partners. It is anticipated that following the initial two year phase further phases of the project would be developed, taking into account the progress made.

This report would not have been possible without the efforts and cooperation of various stakeholders and partners. In this regard, on behalf of the government of Rwanda, I extend our gratitude and thanks to: ICTSD, particularly the IP and Development Programme Team, for the financial and technical support; the lead consultant, Sisule Musungu of IQsensato; The Ambassador and Permanent Representative of Rwanda in Geneva with her team; the MINICOM focal point Annoncée Karadusenge; and the participants of the national stakeholder and validation workshops and interview respondents as well as the UNCTAD IP Team.

*Minister of Trade and Industry
Republic of Rwanda*

Summary of the Results of the Needs Assessment Diagnostic for TRIPS Implementation in Rwanda

Outlined below is the summary of the results of the needs assessment diagnostic study for Rwanda. Detailed explanation of each area of need can be found in the main report. Attachment A to the report provides an outline for a project to address the identified priority needs.

I. Innovation, Creativity and Technology Transfer

(a) Undertaking an innovation and creative industries survey

Rwanda's aim, under Vision 2020, to transform its economy into a middle income economy by 2020 will require significant transformations and large investments in science and technology, innovation and entrepreneurship. There is therefore need for strategic policy intervention to support nascent innovative and creative industries and activities. Such strategic interventions will, however, at best be guesswork if a clear baseline is not established in terms of understanding the current levels of innovation, sources, incentives and other indicators. To establish the baseline an innovation and creative industries survey is required. The survey should be preceded by a review of existing literature and information such as research and development (R&D) data contained in various World Bank reports.

The survey would aim, among other things to provide a detailed understanding of: the type of firms and entities in Rwanda including linkages with foreign firms; science and technology and R&D measures; type of innovations whether product or process etc.; objectives, goals or reasons for innovating by different firms or entities; sources of information for innovation; cooperation or collaboration for innovation; impact of innovations on firms or entity performance; obstacles to innovation; costs, financing and expenditures of innovation; and government policies and incentives affecting innovation as well as the status and potential of creative industries.

(b) Developing IP policies and strategies for public research institutions

In Rwanda, government science and technology policies and programmes have quite a large impact on innovation. In this context, the intellectual property (IP) policies adopted by public research and scientific organisations will have a significant impact on the efforts to acquire, transfer and diffuse technology and knowledge within the Rwandan economy. In this context, a number of priority technical and financial assistance needs arise.

First, is the need to support Rwanda's public research institutions to develop balanced IP policies and strategies. Second is the need for technical and financial support for the development of specialised curricula or other training on innovation and management of IP for the research and scientific community. Finally, is the need for technical support to develop the capacity to address IP issues in collaborative research and science projects especially with foreign institutions including the development of model IP clauses to be included in memoranda of understanding or agreements.

(c) Industry support services and awareness

The private sector and industry will be key in Rwanda's efforts to diversify and transform its economy and to foster entrepreneurship. For the private sector and industry to play this role, there is need for technical and financial cooperation to develop industry support services and awareness on IP and other innovation incentives. In particular, support is required to build capacity within the national IP institutions to provide services on IP management to industry. This would include services to:

- help firms to identify relevant technologies from patent information, identify protectable subject matter and address issues around licensing;

- provide a patent information service not only about patents in Rwanda but also internationally; and
- Assist industry identify relevant public domain technologies.

II. IP Policy and Legal Framework

(a) Implementation of the national IP Policy

Rwanda has recently developed, with the assistance of the United Nations Conference on Trade and Development (UNCTAD) its first comprehensive IP Policy and Implementation Strategy. A number of technical and financial needs were identified as important in implementing the policy. These include:

- Alignment of the national IP laws with the new IP Policy. This will require the review and, where necessary, amendments to the IP Code;
- support for the establishment and operation of the Rwanda Development and Intellectual Property Forum; and
- Human capacity development within MINICOM for policy monitoring, research and secretariat functions for the Development and IP Forum as well as capacity for policy monitoring and research in the Ministry of Sports and Culture (MINISPOC).

(b) Development of a national legislative framework for the protection of traditional knowledge and genetic resources

Article 288 of the new Rwanda IP Code mandates the development of a special law on traditional knowledge and genetic resources. To be able to develop a comprehensive law will require financial and technical support for national stakeholder consultations and actual drafting of the relevant laws and regulations.

(c) Training and public awareness on the national policy and legal framework

In the short-term, the need to train key stakeholders within government and in the private sector, research institutions and civil society on TRIPS and the IP Code, including on the use of TRIPS flexibilities in international treaties was emphasised by numerous stakeholders as was the need to support national public awareness programmes on the importance of innovation and IP delivered through radio, television and other media.

In the medium-term, the priority is the development of advanced tailor-made courses on development, innovation and IP for government officials in all the key ministries and agencies particularly MINICOM, MINISPOC, Ministry of Science, Technology, Scientific Research and information and Communications Technology (MINISTR) and Rwanda Development Board (RDB)⁵; senior industry managers and managers of the key scientific institutions; and for IP teaching in law,

⁵ RDB, which is headed by a chief executive officer reporting directly to the President, brings together seven (7) previously independent agencies including the Rwanda Commercial Services Registration Agency (RCRSA) which was in charge of IP administration. The other agencies include: Office of Rwanda Tourism and National Parks (ORTPN); Rwanda Investment and Export Promotion Agency (RIEPA); Rwanda Information Technology Authority (RITA); Center for Support to Small and Medium Enterprise in Rwanda (CAPMER); Human Resource and Institutional Capacity Development Agency (HIDA); and the Privatisation Secretariat

economics, science and management faculties at the university. In the interim, external study tours should be supported.

(d) Establishment of an IP Resource and Information Centre

To ensure continued education and capacity development among governmental, private sector, research and civil society stakeholders as well as to support research and policy analysis in the longer-term, the need for establishing an IP resource and information centre at MINICOM was identified as a priority. Such a centre would provide services to both government officials and other stakeholders including researchers.

III. IP Rights Administration

(a) Human resource development

The human resource development for the IP section of RDB will be key to its success. The first important steps have been taken in recruiting staff attorneys to run the section. However, a number of key needs remain. These include:

- On-the-job training for the new RDB staff including funding for training missions to other IP offices in Africa and elsewhere;
- Advanced courses in IP administration and management;
- Support for RDB to quantify its staff needs with respect to IP administration, including the needs related to the provision of industry support services.

(b) Computerisation and IT support for RDB

While consultancy services have already been procured for the development of a comprehensive online IP database for RDB, there are further short and medium-term needs. In particular, technical and financial support is required for Procurement of equipment and specialised software; to cover the costs of scanning and archiving the old paper records; training of staff; and to buy access to relevant international repositories and databases.

(c) Support for accession process to ARIPO

Rwanda is considering joining the African Regional Intellectual Property Organization (ARIPO). In this context, technical and financial support will be needed to help the RDB, MINICOM and the Ministry of Foreign Affairs to undertake national consultations including commissioning any studies, if necessary, and to undertake the necessary procedures for accession to ARIPO.

IV. IP Enforcement

(a) Developing and rolling out public awareness campaigns

There are both short-term and medium-term needs related to public education and awareness that were identified as priorities to support Rwanda's efforts to implement TRIPS. In the short-term, technical and financial support is needed to develop and deliver programmes about balanced IP enforcement and the provisions of the new IP Code. In the medium-term, technical and financial support will be needed to develop targeted programmes for the private sector and professional bodies, such as the law society, as well as the media.

(b) Training for enforcement agencies

The police, customs officials and the judiciary in Rwanda is beginning to address increasingly complex cases related to IP. There is therefore a clear short-term need for technical and financial support for advanced specialised training and courses for the police, customs authorities and the judiciary. In the medium to the long-term, support is required to enable the relevant officials undertake refresher courses and courses in new detection and testing methodologies.

(c) Provision of detection and testing equipment and the development of manuals for key agencies

Detection and testing of IP infringing goods is an area where there is a major lack of capacity in Rwanda. Two priority areas were identified by stakeholders. These are the need to:

- purchase and maintain basic detection and testing equipment for the police, customs and the Rwanda Bureau of Standards (RBS); and
- Support for the development of IP enforcement manuals for all the key agencies.

(d) Access to jurisprudence and research resources for Commercial Courts

The court system plays an important role in arbitrating claims related to IP. In Rwanda, as part of the comprehensive commercial law reform a Commercial High Court has been set-up which will hear all commercial cases including most IP cases. The enactment of the new IP Code coupled with increasing private sector and public awareness is likely to lead to a growing number of IP related cases. A key need for the Court, in addition to training for judges, relates to access to jurisprudence and other reference materials.

1. Introduction

1. The Republic of Rwanda (hereinafter "Rwanda") is a small landlocked country in East Africa. It borders Uganda to the North, the Democratic Republic of Congo (DRC) to the West, Burundi to the South, and Tanzania to the East. Rwanda's development path has been a difficult one. The country has faced major challenges due to its colonial history and the post-independence conflicts culminating in the genocide of 1994. Following the establishment of a new government after the genocide, however, Rwanda has made impressive strides in its development efforts. Immediately after the genocide, Rwanda's Human Development Index (HDI) fell to 0.341 in 1995. Since then, the HDI has climbed to 0.452 placing Rwanda at the rank of 161 out of 177 countries in 2008.

2. The strategic application of science, technology and innovation will be critical to Rwanda's continued efforts to boost its HDI and to meet the Millennium Development Goals (MDGs). International intellectual property (IP) rules and standards, which have expanded rapidly in recent decades, have important implications for the ability of Rwanda, to apply science and technology and new innovations in support of its development aspirations. These standards and rules now affect, more than ever before, everything from the availability and access to essential medicines to access to educational material, availability and access to seeds by farmers and the ability to benefit from in advances information and communications technology (ICT).

3. The manner in which Rwanda implements the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and other international or regional IP treaties therefore has important implications for a country's efforts to lift its people out of poverty. Consequently, international institutions and bilateral agencies can play an important role in support of Rwanda by providing technical and financial cooperation to ensure that the country implements its international IP obligations in a manner that ensures that its people capture maximum benefit while minimising adjustment and other costs. The needs identified in this report point to where development partners can have the most impact.

2. National Development Context

4. Rwanda's medium term vision, encapsulated in "Rwanda Vision 2020" is to transform itself into a middle-income economy by 2020.¹ Such transformation will, at a minimum, require Rwanda to achieve an annual per capita income of US\$900 and to reduce poverty to 30 per cent. In 2000 the per capita income was US\$220 while the poverty rate was at 60.4 per cent. The current framework to facilitate the efforts to achieve Vision 2020 is the "Economic Development and Poverty Reduction Strategy, 2008-2012" (hereinafter "EDPRS").²

2.1 Human and social development indicators

5. Rwanda is the most densely populated country in Africa with over 300 people per square kilometre. Its population is currently estimated to have surpassed the 9 million mark with approximately 42 per cent being under the age of 15; 56 per cent under the age of 65; and approximately 2 per cent at 65 years or over. The population growth continues to rise fast due to

¹ See Republic of Rwanda (2000), *Rwanda Vision 2020*, Republic of Rwanda, Kigali, p.8. Vision 2020 is Rwanda's development roadmap to the year 2020. It is the result a national consultative process that was conducted between 1997 and 2000. The vision is premised on six interlinked pillars, namely: good governance and efficient state; skilled human capital; vibrant private sector; world-class physical infrastructure; and modern agriculture and livestock.

² IMF (2008), *Rwanda: Poverty Reduction Strategy Paper*, IMF, Washington D.C., (hereinafter EDPRS).

increase in fertility coupled with a reduction in infant mortality. As already indicated, Rwanda's human development outlook has significantly improved since the genocide. According to the 2008 Human Development Report (HDR), life expectancy at birth is 46.7 for females and 43.6 for males. The government's current priority in health is on preventive health measures, providing high quality and accessible health care services to the entire population and increasing the availability and affordability of drugs; among others.³

6. The disease burden, however, remains high and inequality in health outcomes persist. While improvements were recorded between 2000 and 2005, infant mortality rate stands at 108 per 1,000 live births in the rural areas and 69 deaths per 1,000 live births in urban areas.⁴ Under-five mortality rate stands at 192 deaths for 1,000 live births in rural areas and 122 deaths per 1,000 live births in urban areas. There are large inequalities between the health status of people in the highest wealth quintiles of the population and those in the lowest quintiles. For example, the infant mortality rate is 56 per cent higher and under-five mortality rate is 73 per cent higher in the poorest quintile compared to the richest quintile.⁵ In terms of diseases, HIV/AIDS is a major challenge though significant strides have been made to reduce transmission and provide treatment.

7. HIV Prevalence in adults aged between 15-49 years is estimated to be at 3 per cent.⁶ By the end of 2007 it is estimated that approximately 150,000 people between ages 0-49 were living with HIV.⁷ As of 31 March 2008, PEPFAR reports 52,400 people to be receiving anti-retroviral treatment under its programmes. Overall, according to the United Nations Joint Programme on AIDS (UNAIDS), the World Health Organisation (WHO) and the United Nations Children's Fund (UNICEF) approximately 80 per cent of people living with HIV/AIDS in need of anti-retroviral therapy are on treatment.⁸

8. In education, the combined gross enrolment ratio for primary, secondary and tertiary education is 51 per cent for both women and men while adult literacy stands at 59.8 per cent for women and 71.4 per cent for men.

9. Overall, the incidence of poverty is very high in Rwanda. According to the United Nations Development Programme (UNDP), 57 per cent of households still live below the poverty line.⁹ The percentage is much higher in female-headed households where it stands at 62 per cent.¹⁰ There is also a significant disparity between the poverty levels in the urban and rural areas. The incidence of poverty in the rural areas, where the majority of Rwandans live, is 66 per cent compared to 12 per cent in the capital city Kigali and 19 per cent in other urban areas.

2.2 Government and political structure

10. Rwanda, whose official languages are Kinyarwanda, English and French, gained independence from Belgium in 1962. As already noted, the country's political history for the first

³ EDPRS, Executive Summary.

⁴ EDPRS, p. 18.

⁵ EDPRS, p. 19.

⁶ EDPRS, P. 20.

⁷ The President's Emergency Plan for AIDS Relief (PEPFAR) "2008 Country Profile: Rwanda" available at <http://www.pepfar.gov/press/81639.htm> (last accessed on 20 February 2009).

⁸ See Rwanda Country Profile at <http://www.unaids.org/en/CountryResponses/Countries/rwanda.asp>.

⁹ See UNDP Global Reports at http://www.undp.org/Poverty_Reduction.html (last accessed on 20 February 2009).

¹⁰ Rwanda has a high proportion of female population, which stands at 53 per cent of the population, of whom a large proportion are widows or single mothers. Overall, over 32 per cent of households are headed by women.

three decades of independence was a turbulent one culminating in the 1994 genocide.¹¹ Following the genocide, Rwanda has been governed by a government of national unity made up of seven political parties. The executive arm of the government is headed by a President who is both the head of state and cabinet. The Cabinet, made of the President and Prime Minister and ministers, is responsible for the conduct of national affairs. The legislative arm is made up of a parliament with two chambers – the Chamber of Deputies made up of 80 seats, and the Senate, which is made up of 26 seats. After the 2008 parliamentary elections, Rwanda became the first country where women outnumber men in the Chamber of Deputies. Women make up 55 per cent of the legislators. On the judicial side, the Supreme Court, headed by a president, is the highest court whose function is to direct and coordinate the activities of lower courts and tribunals in the country. The High Court is divided into sections including commercial courts.

11. Beyond the national government and political structure, Rwanda is also a member of the East African Community (EAC) since 2007. As a result, Rwanda participates in, and its government is impacted by, the decisions and processes of the EAC's Summit, Council of Ministers, Court of Justice, Legislative Assembly and other organs. Rwanda is also a member of the United Nations (UN) and many of its specialised agencies as well as the African Union (AU) and a host of other regional and international organisations. The country is also poised to join the Commonwealth in 2009.

2.3 Economy and natural resources

12. Rwanda is a landlocked and least-developed economy dominated by subsistence farming with very few natural resources. Agriculture employs 90 per cent of the labour force, providing around 40 per cent GDP. Tea and coffee are the main cash crops and usually generate over 80 per cent of export earnings. However, these cash crops contribute less than 2 per cent of GDP.¹² Some 60 per cent of manufacturing by value is in agricultural processing, particularly brewing.¹³ Rwanda's industrial sector accounts for about 20 per cent of GDP. Following the dismantling of tariff since 1994 and integration of Rwanda into the EAC, the small industrial sector is struggling to maintain market share in the face of regional competition. The service sector, led by telecommunication, transport, retail and tourism has been growing at a faster rate than the overall economy, and now contributes over 40 per cent of GDP. The financial sector is relatively small, contributing only 5 per cent of the GDP.

13. Under Vision 2020, Rwanda's goal is to transform its economy into a middle income economy by 2020. To achieve this ambitious goal, Rwanda will require a continuous annual rate of economic growth of at least 7 per cent. While Rwanda's real GDP grew by over 10 per cent in the period after the genocide to the year 2000, this was followed by a period of stabilisation (2001 – 2006) where growth fell to 6.4 per cent.

2.4 National development and poverty reduction strategies

14. Rwanda has been pursuing post-conflict political and economic reform that favours market-oriented policies, such as privatisation and liberalisation. Vision 2020 has the short-term objective of promoting macroeconomic stability and wealth creation to reduce aid dependency. In order to achieve a middle income country status by 2020, Rwanda aims to transform its economy from a subsistence agricultural economy to a knowledge-based and technology driven society. In the long-term, the aim of Vision 2020 is to create a productive middle class and foster entrepreneurship.

¹¹ For full historical account see the official website of the government of Rwanda at <http://www.gov.rw/> (last accessed on 20 February 2009).

¹² Economist Intelligence Unit (EIU) (2008), *Rwanda - Country Profile*, London, p. 16.

¹³ EIU (2008) p.19.

15. The key areas that have been identified as central to advancing the objectives of Vision 2020 are:

- Human resource development and a knowledge-based economy;
- Private sector-led development;
- Infrastructure development;
- Productive high value and market-oriented agriculture;
- Regional and international integration; and
- Science, technology and ICT.

16. These key aspects of Vision 2020 are reflected in the EDPRS, the national investment strategy and the national science, technology and innovation strategy. The EDPRS, which builds on lessons learned from previous poverty reduction strategies enjoys high-level political commitment and has also met with approval from the International Monetary Fund (IMF) and donors.¹⁴ The programme on Sustainable Growth for Jobs and Exports under EDPRS is designed to reduce the operational costs of business, increase the capacity to innovate, and widen and deepen the financial sector.¹⁵

17. The Rwandan government policy features science, technology and innovation as an important component of the country's development and poverty reduction strategy.¹⁶ In this context, efforts are to be directed at knowledge acquisition and deepening, knowledge creation through scientific research, knowledge transfer and the development of a culture of innovation.

18. To support these efforts, education has been prioritised with the emphasis being on increasing the coverage and quality of basic education, technical and vocational education and training, and tertiary education. On the technology-side, investment in ICT industry is an important priority. This will be a major challenge considering that, for example, internet penetration stands at only 1.5 per cent today.¹⁷ In agriculture the focus is on sustainable production systems, building the technical and organizational capacity of farmers, promoting commodity chains and agribusiness while in manufacturing the focus is on value addition in existing product lines in agro-processing, including coffee and tea, handicrafts and mining, and development of new products.

19. Under EDPRS, efforts will also focus on improvement of economic freedoms, regulatory and licensing environment for doing business, and promoting principles of modern corporate governance.

2.5 Development assistance

20. Rwanda relies heavily on development assistance. According to the EDPRS, in recent years donors have financed more than 50 per cent of the country's budget.¹⁸ It is foreseen that this support will need to increase if the country is to meet its medium-term poverty reduction goals outlined in the EDPRS. Some of the major donors include the World Bank and the United Kingdom (UK). Rwanda has also benefited from debt relief under the Heavily Indebted Poor Countries (HIPC) Initiative. In

¹⁴ EIU (2008), p. 9.

¹⁵ EDPRS, executive summary.

¹⁶ The detailed policy on science, technology and innovation is contained in the policy document prepared for the Government of Rwanda by the United Nations University Institute of Advanced Studies (UNU-IAS). See The Republic of Rwanda and UNU-IAS (2006), *The Republic of Rwanda's Policy on Science, Technology and Innovation*, Republic of Rwanda and UNU-IAS, Kigali.

¹⁷ For details see Internet Usage Statistics for Africa, www.internetworldstats.com, June 30, 2008.

¹⁸ EDPRS, p. 116.

2005, debt relief under HIPC brought total external debt down from USD 1.5 billion to around USD 350 million.

21. On the trade side, Rwanda is participating in the Integrated Framework for Trade-Related Technical Assistance to LDCs (IF).¹⁹ Work on a Diagnostic Trade Integration Study (DTIS) began in 2004 and was completed in 2005 with a national validation workshop in September 2005. Under the business environment clusters, the review and replacement of obsolete IP laws was identified as a priority. The trade and related reforms are already bearing fruit. For example, when UNCTAD undertook a review of Rwanda's investment policy a few years ago, it noted encouraging signs of rising interest by potential investors on Rwanda, partly as a result of improvements in the investment framework and the government's efforts to promote foreign direct investment (FDI).²⁰

22. The country has two main donor coordination forums both of which have been critical to the management of development assistance. These are the Development Partners Coordination Group (DPCG) – a high level forum comprising of the representatives of the government and development partners and the Budget Support Harmonisation Group (BSHG) which is the forum that deals with budget support issues.

2.6 IP in the national development context

23. Rwanda's EDPRS has clearly identified science, technology and innovation as important component of the country's development and poverty goals. Efforts, as already noted, are being directed at knowledge acquisition, knowledge creation through scientific research, knowledge transfer and the development of a culture of innovation. Education and ICT are also key priorities in the EDPRS.

24. Discussions at the national stakeholder workshop and during interviews showed that most governmental and non-governmental stakeholders see the country's national IP reforms and its participation in international IP treaties as an important component of the country's development strategies. IP is understood as a means and important factor in knowledge acquisition and creation and, in particular, promoting a culture of innovation. Beyond this overall recognition of the linkage of IP and the country's development and poverty reduction goals, however, Rwanda has not had a coherent or comprehensive policy to actualise this linkage. Such a policy, to integrate IP into the national development and poverty reduction strategies has now been developed with the support of UNCTAD. This broader policy will guide Rwanda's IP development efforts going forward including the delivery of technical and financial assistance to address the needs identified in this report.

3. Innovation, Creativity and Technology Transfer

25. In general, developing countries including least-developed ones, such as Rwanda, have weak innovation systems. A number of the general characteristics, all of which apply to Rwanda, are notable in the innovation systems of these countries.²¹ These include that:

- The systems are usually weak with few resources devoted to innovative activities.
- The system is characterised minor or incremental changes.
- The government is a major player in R&D execution and funding.

¹⁹ Information regarding Rwanda's participation can be found on the IF website at <http://www.integratedframework.org/countries/rwanda.htm> (last accessed on 20 February 2009).

²⁰ See UNCTAD (2006), *Rwanda – Investment Policy Review*, UNCTAD, Geneva, p.10.

²¹ These characteristics are taken from OECD and European Commission, (2005) *Oslo Manual: Guidelines for Collecting and Interpreting Innovation Data*, 3rd Edition, OECD Publishing, Paris.

- The system is characterised by significant levels of instability because firms are micro or small macro-economic uncertainty which limits long-term innovative activity.
- In many of these countries, the economy relies significantly on informal practice meaning that the great creativity invested in solving problems in the informal economy does not lead to systemic application thereafter.
- The government science and technology policies and programmes have quite a large impact on innovation than activities and strategies in the private sector.
- There is a dominance of externally controlled firms in high value sectors meaning that local enterprises have less decision-making powers related to innovation.

26. The TRIPS Agreement somewhat acknowledges these characteristics and the attendant challenges. In particular, under the Agreement, LDCs were afforded maximum flexibility to enable them to build a sound and viable technological base. This was done by the provisions of Article 66.1 which provides that:

"In view of the special needs and requirements of least-developed country Members, their economic, financial and administrative constraints, and their need for flexibility to create a viable technological base, such Members shall not be required to apply the provisions of this Agreement, other than Articles 3, 4 and 5 for a period of 10 years from the date of application as defined under paragraph 1 of Article 65. The Council for TRIPS shall, upon duly motivated request by a least-developed country Member, accord extensions to this period."

27. It is therefore important to remember that even where technical and financial assistance is provided, a central purpose of the transition period is to provide flexibility for these countries to build their technological base through innovation, creativity and transfer of technology and not simply to put in place TRIPS-compliant laws.²²

28. This means that LDCs have the flexibility to tailor their IP and related policy to their needs for acquiring foreign technology at a low costs and their adaptation needs as well as improving absorptive capacity through expanded education where acquisition of learning materials at an affordable cost is critical. Consequently, where TRIPS rules pose problems for these goals the flexibility afforded under TRIPS allows LDCs to use different approaches. Indeed, the Government of Rwanda has already had to deal with such a situation. In its notification to the WTO regarding the importation of anti-retroviral medicines from Canada under the 30 August 2003 Decision in 2007, Rwanda declared that for public health purposes, as permitted under WTO rules on transition periods, it would not enforce patents on the medicines being imported.

3.1 Overview of current status

29. The levels of formal innovation in Rwanda are minimal. This is both in terms of innovation by foreign firms and by Rwandan firms. Since 1963, only 2 patents have been granted to Rwandan nationals out of total 114 patents granted during the period.²³ Interviews and meetings with stakeholders showed, however, that there is improving level of innovation taking place in key research institutions such as the Kigali Institute of Science and Technology (KIST) and the Institute of Scientific and Technological Research (IRST). These innovation activities may not be captured in the patent data. There is also evidence of innovation in the informal sector. Without any empirical surveys, however, it is difficult to confirm the actual state of innovation in Rwanda.

²² Sisule Musungu (2007), "A Conceptual Framework for Priority Identification and Delivery of IP Technical Assistance for LDCs during the Extended Transition Period under the TRIPS Agreement", *Issue Papers* 7, QUNO, Geneva, p. 4.

²³ For full details on patent grants see section 4 below.

30. Vision 2020 recognises that the rate of adoption and integration of science and technology in Rwanda remains very low with significant shortages of technically qualified scientists and technicians.²⁴ To address this situation, the EDPRS sets out a number of targets for science and technology education in higher education and with respect to research units in institutions of higher learning²⁵, technology adaptation²⁶, the promotion of an innovation culture²⁷ and the development of an IP Code, among other commercial laws.²⁸

31. With respect to science and technology education, by 2012: the number of students enrolled in sciences is planned to increase from 21 per cent to 30 per cent with the proportion of women increasing to 40 per cent; the number of masters programmes in science from 80 student places per year to 200; and post-doctoral training to 100 per year. With respect to research units, the plan is to reinforce the research units in public institutions of higher learning with six centres of excellence in science and technology. With respect to technology adaptation, the EDPRS emphasises the need to adapt transferred technology to local needs particularly in the agricultural sector.

32. In order to accelerate technological change, the Ministry of Science, Technology and Scientific Research (MINISTR) has developed a Science, Technology and Innovation for Results (STIR) Programme under which a knowledge transfer programme has been initiated. In the context of promoting an innovation culture there is a plan under the EDPRS to establish District Innovation Centres and a National Research Fund to provide financial support for science, technology and innovation activities. Finally, in the context of promoting an enabling business environment a comprehensive legal reform process is underway to reform a range of commercial laws including IP laws.

33. Most of the technology used in Rwanda originates from abroad. This technology is transferred into the Rwandan economy through various means including FDI, trade, and migration as well as licensing. In general, interviews with stakeholders from the research community and industry indicated that IP was not a significant direct factor currently affecting the acquisition or use of foreign technologies. In the context of TRIPS Article 66.2, there was, however, no evidence that Rwanda is benefitting from specific programmes from developed countries. Overall, while IP is not yet playing a significant direct role in technology acquisition it clear that the high costs of technology due to IP ownership will affect Rwanda, for example, in its science education goals and ICT development efforts.

3.2 Priority needs for technical cooperation, financial assistance and capacity building

34. In the context of Vision 2020, the EDPRS and discussions at the national stakeholder workshop as well as stakeholder interviews, a number of priority needs for technical and financial assistance related to innovation, creativity and technology transfer were identified. These include

(a) *Innovation and creative industries survey*

35. Rwanda aims, under Vision 2020, to transform its economy into a middle income economy by 2020. This will require significant transformations in its economy and large investments in science and technology, innovation and entrepreneurship. For this to happen, there is a clear need for

²⁴ Vision 2020, p. 19.

²⁵ EDPRS, p. 37.

²⁶ EDPRS, p. 54.

²⁷ EDPRS, p. 64.

²⁸ EDPRS, p. 92.

strategic policy intervention to support nascent innovative and creative industries and activities. Such strategic interventions will, however, at best be guesswork if a clear baseline is not established in terms of understanding the current levels of innovation, sources, incentives and other indicators as well as the status of creative industries. There is therefore a clear need for a policy-relevant innovation and creative industries survey.

36. The survey could partly be based on the methodology and framework developed by UNU-INTECH for the New Partnership for Africa's Development (NEPAD) in 2004.²⁹ The survey would aim, among other things to provide a detailed understanding of: the type of firms and entities in Rwanda including linkages with foreign firms; science and technology and R&D measures; type of innovations whether product or process etc.; objectives, goals or reasons for innovating by different firms or entities; sources of information for innovation; cooperation or collaboration for innovation; impact of innovations on firms or entity performance; obstacles to innovation; costs, financing and expenditures of innovation; and government policies and incentives affecting innovation as well as the status and potential of creative industries.

(b) IP Policy for public research institutions

37. While there is no doubt that the private sector will play a critical role in the transformation of Rwanda's economy, public research and scientific institutions will have a crucial support role in the process. Indeed, as noted earlier, in a country such as Rwanda, government science and technology policies and programmes have quite a large impact on innovation than activities and strategies in the private sector. The policies adopted by these public research and scientific organisations will therefore have a significant impact in the efforts to acquire, transfer and diffuse technology and knowledge within the economy. In this context, a number of priority technical and financial assistance needs arise.

38. First, there is the need to support Rwanda's public research institutions to develop balanced IP policies and strategies. This will require both external financial support and expertise. Such policies will need to be pragmatic and aimed at ensuring that while public institutions capture returns from science and innovation efforts, the results and resulting technology is accessible to Rwanda's private sector at affordable prices and competitive terms and, where products are involved, that these are available and accessible to the population and government.

39. Secondly, there will be the need for technical and financial support for the development of specialised curricula or other training on innovation and management of IP for the research and scientific community. Such curricula or training should focus on providing an understanding on the link between IP and innovation, where it exists, other incentives for innovation and the required balance between appropriation of inventions and wide technological diffusion for development.

40. Finally, there will be need for technical support to develop the capacity to address IP issues in collaborative research and science projects especially with foreign institutions including the development of model IP clauses to be included in memoranda of understanding or agreements.

(c) Industry support services and awareness

41. Vision 2020 recognises the private sector as the principle growth engine of Rwanda's economy. In the short-term, the private sector and industry will be key in the efforts aimed at diversification and development of non-traditional exports. In the medium-term, the aim of

²⁹ See, UNU-INTECH (2004), "Designing a Policy-Relevant Innovation Survey for NEPAD", UNU-INTECH, Maastricht.

transforming Rwanda's economy from an agrarian one to a knowledge-based one will also heavily depend on the private sector and industry. Similarly, the private sector and industry will play an important role in the long-term goal of fostering entrepreneurship.

42. For the industry to play this role there is need for technical and financial support to develop industry support services and awareness on IP and other innovation incentives. In particular, support is required to build capacity within the national IP institutions to provide services on IP management to industry. In this context, IP management should be understood as providing services that help firms to identify relevant technologies from patent information, identify protectable subject matter and address issues around licensing. This would also include capacity to provide a patent information service not only about patents in Rwanda but also internationally. Beyond patented technology, for Rwanda where out of patent technologies can have an important contribution; the services could also include helping industry identify relevant public domain technologies.

4. IP Policy and Legal Framework

43. Rwanda has had some form of IP framework since the colonial times. The policy and legal environment has continued to evolve, since then, with incremental changes being introduced over time.

4.1 Overview of current status

The current status of IP policy and legal framework in Rwanda is as follows:

(a) IP Policy-making and coordination

44. Rwanda has already developed a comprehensive IP policy or implementation strategy with the assistance of UNCTAD. The policy and implementation strategy addresses both policy-making and coordination. The lead agency for policy-making and legislative development on IP in Rwanda is MINICOM except with respect to copyright where the lead agency is MINISPOC. While an IP policy has only been recently developed, MINICOM has been involved in intensive legislative activities including stakeholder coordination since 2001 when the development of the new IP law began. The process of developing the law involved: coordination at the ministry level (mainly with MINISPOC and Ministry of Justice); national stakeholder consultations, which were undertaken through workshops and a steering committee bringing together the government agencies, research institutions and the private sector; consultations with international organisations (mainly the World Intellectual Property Organization - WIPO and the WTO) and ultimately the development of a cabinet paper in February 2006.

45. While the knowledge and technical capacities in the various government ministries and agencies as well as the private sector improved considerably due, in part, to the support by WIPO and WTO, major challenges still remain. Until mid 2008, a few staff at MINICOM were responsible for all IP policy and legislative work, as well as, IP administration. At MINISPOC, which deals with copyright matters, there is also limited staff time dedicated to copyright. With the creation of the RDB to take over IP administration, there will be some staff time freed at MINICOM and the MINISPOC to focus on policy-making, policy implementation and monitoring.

(b) National IP Legal framework and use of the system

46. Until the end of 2008 Rwanda's national IP legal framework was based on a range of laws dating back to the colonial era. There are three main sets of laws and regulations. These included: the Law of 25 February 1963 which covers patents, trademarks and industrial designs with three ministerial implementing decrees (Nos. 3/10/1967 to 5/10/47 of 18 May 1967); Law No. 27/1983 of

15 November 1983 on copyrights; and colonial era regulations on unfair competition. These laws and regulations were not only old but they also did not address Rwanda's needs in its efforts to establish a viable technological base nor its obligations under international treaties including the TRIPS Agreement and WIPO treaties.

47. While there has been some use, the level of use of existing system remains quite low. For example, since independence only 114 patents have been issued. Table 1 below provides the figures with respect to patents, trademarks and industrial designs showing grants to both nationals and foreigners.

Table 1: Industrial Property Grants in Rwanda since Independence

	Patents	Trademarks	Industrial Designs
Nationals	2	875	14
Foreigners	112	5430	15
Total	114	6025	29

Source: MINICOM

(c) Participation in the international IP system

48. Rwanda's active participation in the international IP system can be said to have started in 1983 when it acceded to the WIPO Convention and three WIPO administered treaties – The Paris Convention for the Protection of Industrial Property (hereinafter the Paris Convention), the Berne Convention for the Protection of Literary and Artistic Works (hereinafter the Berne Convention) and the Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (hereinafter the Brussels Convention).³⁰ This was to be followed by Rwanda's acceptance of the TRIPS Agreement when the country became a founding Member of the WTO in 1994. At the moment, Rwanda is in the process to accede to Patent Cooperation Treaty (PCT) and the Madrid system for the registration of marks. Active consideration is also being given to accession to other treaties especially those related to global registration of IP rights such as in the area of industrial designs.

49. Beyond treaty membership, Rwanda has been a participant in WIPO, and particularly, in the negotiations at Council for TRIPS at the WTO. This has included a leadership role as the coordinating country for LDCs during the negotiations for the extension of the transition period for LDCs to implement the TRIPS Agreement. At the regional level, Rwanda is an observer to the ARIPO and there are plans for the country to become a full member. Also notable at the regional level is Rwanda participation in the European Communities (EC) and the EAC economic partnership agreements (EPAs) where IP issues are being discussed.

(d) Recent IP reforms and planned changes

50. In line with the goals of Vision 2020 and EDPRS, Rwanda adopted, in November 2008, a new IP Code that was developed with technical assistance from WIPO and WTO secretariats. Implementing regulations are now under development. The country, with the support of UNCTAD, has also initiated the development of national IP policy and strategy for implementation.

51. The new IP Code, which seeks to bring Rwanda into compliance with the TRIPS Agreement, provides substantive legislation with respect to patents, copyright, trademarks, geographical

³⁰ Details on Rwanda's accession, the dates of entry into force and information about the treaties can be found on the WIPO website at <http://www.wipo.int/treaties/en/>.

indications (GIs), industrial designs, utility models and the regulation of unfair competition. The Code, though not providing substantive rules, also contemplates the protection, through special regimes, for plant variety protection (PVP), traditional knowledge and genetic resources.

52. The IP Policy and Implementation Strategy, which has been developed with the support of UNCTAD, aims to provide the overarching framework to guide the government of Rwanda and other stakeholders in their efforts to develop an IP framework that is linked to, and is supportive of, Vision 2020 and the EDPRS. The strategy for implementation outlines the steps to be taken by the Government to ensure that IP laws and regulations implement the consensus of the stakeholders.

4.2 Priority needs for technical cooperation, financial assistance and capacity building

A number of priorities needs emerged with respect to the development of IP policy and legal framework. These include:

(a) Implementation of IP policy

53. The need for an overarching national IP policy and strategy for implementation had already been identified as a priority by MINICOM. The national stakeholder workshop and interviews with different stakeholders confirmed the urgent need for the development of such a policy. While UNCTAD has already provided assistance for the development of the policy and implementation strategy, further financial and technical assistance will be needed to support the implementation of the policy.

54. In the short-term, a particularly important need identified by stakeholders is the alignment of the national IP laws with the policy. This will require the review, and where necessary, amendments to the IP Code. In the medium-term, support will need to be directed at establishing the institutional mechanisms for policy review and updating as well as more formalised coordination across government and among stakeholders. With respect to a formal coordination structure, the majority of stakeholders favoured the revamping of the existing *ad hoc* IP steering committee. A particular requirement will be to build the human capacity within MINICOM and MINISPOC for policy monitoring, research and for the management of the coordination structure.

(b) Development of a national legislative framework for the protection of traditional knowledge and genetic resources

55. The need to develop a special legislative and institutional framework for the protection of traditional knowledge and to ensure prior-informed consent and benefit-sharing for access to genetic resources in Rwanda was emphasised as a priority need by various stakeholders at the national stakeholder workshop. The legal systems and institutional framework needs to be aimed, among others, at: recognising the value of traditional knowledge and responding to the needs of the knowledge holders; promoting respect for traditional knowledge and its conservation and preservation including repression of unfair and inequitable uses of the knowledge; promoting innovation and creativity and overall community development including facilitating legitimate trade in traditional knowledge-based goods and services; and preventing biopiracy.

56. Article 288 of the new Rwanda IP Code mandates the development of a special law on traditional knowledge and genetic resources. To be able to develop a comprehensive law will a national stakeholder consultations and the development of the legislative framework all of which will require technical and financial assistance. To ensure that the resulting legislative and institutional framework is comprehensive and fit for purpose the technical assistance should be provided by an interdisciplinary team of experts.

(c) Training and public awareness on policy and legal framework

57. The need for technical and financial assistance to train the representative of the key stakeholders within government and in the private sector, research institutions and civil society in basic concepts around innovation, IP and creativity, including the use of flexibilities in international treaties was emphasised by numerous stakeholders. Equally, many stakeholders stressed the need for technical and financial assistance to support national public awareness programmes delivered through radio, television and other media. This needs to happen in the short-term.

58. In the medium-term, the priority needs to be on the development of advanced tailor-made courses on development, innovation and IP for: government officials in all the key ministries and agencies particularly MINICOM, MINISPOC, MINISTR and RDB; senior industry managers and managers of the key scientific institutions; and for IP teaching in law, economics, science and management faculties at the university.

(d) IP Resource and Information centre

59. To ensure continued education and capacity development among governmental, private sector, research and civil society stakeholders as well as to support research and policy analysis in the longer-term, the need for establishing an IP resource and information centre was identified as a priority. Technical and financial assistance will therefore be needed to establish such a resource and information centre at MINICOM. Such a centre would provide services to both government officials and other stakeholders including researchers.

5. IP Rights Administration

60. The administration of IP involves a set of technical and administrative tasks relating, among others, to: receiving, examining and granting or refusing applications for IP titles; processing of renewals such as in the case of trademarks and industrial designs; addressing opposition applications such as in the case of patents and trademarks; establishing and managing financial procedures and mechanisms for collection of fees; maintaining records of granted IP rights as well as archiving; and establishing procedures for, and facilitating search of the IP registers. IP administrations may also have administrative powers or facilitating role relating to dispute settlement such as when the office serves as a secretariat for an IP Tribunal or reviewing technology transfer licenses. The administration may also have training and public awareness functions. Finally, IP administration may also be required to provide business support services such as specialised patent information services and in some countries, such as Denmark, the patent and trademark office provides a platform for an IP market place for patents. This is a service that facilitates buying and selling of patents.

61. IP rights administration is therefore a complex and expensive exercise which requires significant technical capacity, human and financial resources as well as infrastructure. In a small country like Rwanda, the demands to undertake all these tasks can be overwhelming

5.1 Overview of current status

62. Until recently, as already noted IP administration, save for the case of copyright, was the responsibility a small number of officers in MINICOM. Copyright administration was handled by MINISPOC. IP administration has now been moved to RDB as part of on-going legal and commercial reforms aimed at facilitating business entry and commercial activities. In addition to IP administration, RDB is also responsible for registration and administration of matters related to companies and secured transactions, among others. At the moment, the IP administration system, which all remains manual, is being set up with two new legal officers just recruited.

63. On-going tasks include the collection and arrangement of all manual records from MINICOM and MINISPOC and provincial offices which will be followed by automation. The former task, which involves collecting and organising records for the last 30 years, is being undertaken with the help of short-term staff, mainly university students. For the latter purpose, an international firm is being hired to develop a comprehensive searchable and networked database system which would be accessible from different parts of the country.

64. Currently, RDB does not have capacity for patent examination and considering the size of the country and rate of application for IP titles the office does not intend to become an examining office. Rather, the vision is for Rwanda to join ARIPO and rely on the examination capacity there.

5.2 Priority needs for technical cooperation, financial assistance and capacity building

65. The creation of the RDB is likely to improve the effectiveness and efficiency of IP administration in Rwanda. The merging of a range of services in one agency is also likely to reduce the overall costs of IP administration since many services such as finance, automation etc., would be bundled. However, with a new institution with new staff and systems, the technical and financial assistance needs are huge. The priority needs in this regard relate to human resource development, automation, accession to ARIPO and access to key international repositories and databases.

(a) Human resource development

66. The human resource development for the IP section of RDB will be key to its success. The first important steps have been taken in recruiting staff attorneys to run the section. A key immediate need requiring technical and financial support will be on-the-job training for the new staff including missions to other IP offices with established systems. Over time, the staff will also be required to take advanced courses in IP administration and management.

67. In the medium-term, support is needed to assist the RDB quantify its staff needs with respect to IP administration. Though the optimal level of staff complement is still unknown, it is clear that there will be need to enhance the staff complement to ensure that the IP section of RDB can run efficiently and, in particular, that RDB can offer the relevant business information and business support services. Such new staff will also require training and exposure.

(b) Computerisation and IT Support for the RDB and access to international databases

68. Computerisation of documentation and operations is a key priority for the IP section of RDB. Computerisation will increase efficiency, transparency and accessibility of reliable information. While consultancy services are already being procured for the development of a comprehensive online IP database, there will be further short and medium term needs. In particular, technical and financial support is required for procurement of equipment and specialised software; to cover the costs of scanning and archiving the old paper records; training of staff; and to buy access to relevant international repositories and databases.

(c) Support for accession process to ARIPO

69. The intention to join ARIPO so as to maximise the internal capacity in Rwanda needs to be actualised and integrated at this early stage of RDB. In this context, technical and financial support will be needed to help the RDB, MINICOM and the Ministry of Foreign Affairs undertake national consultations including commissioning any studies, if necessary, and to undertake the necessary procedures for accession to ARIPO.

6. IP Enforcement

70. The TRIPS Agreement includes detailed rules on the minimum enforcement requirements at the national level in WTO members.³¹ In general, there is a broad agreement among WTO Members that the IP enforcement measures put in place should be effective. However, this understanding is circumscribed by three important principles. It is in the context of these principles that enforcement provisions under Part III of the TRIPS Agreement should be understood.

- (a) The first principle is the recognition that "intellectual property rights are private rights."³² This means that since IP enforcement relates to private property, except in criminal cases, it is not the responsibility of the state to defend each right but rather to provide the means for individuals and firms to enforce their rights. The second principle is the recognition that while the TRIPS Agreement is intended to provide effective and appropriate means of enforcing IP, the structures to be put in place must take "into account differences in national legal systems"³³ and recognise the right of each WTO member "to determine the appropriate method of implementing the provisions of this Agreement within their own legal system and practice."³⁴
- (b) Finally, is a principle based on the basic rule of treaty interpretation which requires that treaty interpretation must be done in light of the object and purpose of such a treaty. The purpose and objective of the TRIPS Agreement, as set out in Article 7, is the protection of IP in order to contribute to technological innovation, the transfer and dissemination of technology. This means that enforcement provisions should help ensure the achievement of these objectives. When dealing with IP enforcement, it is particularly important to remember that an innovator today may be an alleged infringer tomorrow and *vice-versa*. Consequently, except for clear criminal cases, IP disputes are disputes between legitimate businesses which all contribute to Rwanda's economy.

6.1 Overview of current status

71. The new IP Code includes extensive provisions on enforcement and provides a range of powers to the judiciary and special tribunals, the police and customs authorities to address IP enforcement. The law also seeks to provide safeguards for third parties in line with the TRIPS principles. The promulgation of the new law also coincides with the inauguration of the Commercial Court branch of the High Court of Rwanda under whose jurisdiction IP issues fall. These are particularly important developments for Rwanda. The reason is that while there are increasing complaints regarding counterfeiting, there is very limited technical and human capacity to address claims of infringement within the police and the customs department. For example, currently the customs department has no capacity to distinguish counterfeit products and relies wholly on the World Customs Organization (WCO) Regional Intelligence Liaison Office (RILO) based in Nairobi for detection. RBS also has minimal detection and testing capacity.

³¹ The whole of Part III of the TRIPS Agreement, containing 21 articles out of the Agreement's 72 articles, relates to enforcement.

³² See the Preamble to the TRIPS Agreement, para 4.

³³ See para 2(c) of the Preamble to the TRIPS Agreement.

³⁴ Article 1.1 of the TRIPS Agreement.

72. Within industry, while counterfeiting was cited as a problem, it did not appear to be an extreme case. So far, there have been very few cases relating to IP infringement. Since the creation of the Commercial High Court in May 2008 no IP cases have been brought before them. The situation may soon change, however, especially with the new IP laws. During the interviews for the needs assessment exercise, the low level of IP cases previously was attributed to the level of damages payable for infringement and lack of awareness. In criminal cases, the lack of testing and detection ability meant that it was difficult to surmount the requirements of proof in court. Beyond the national concerns, another key concern highlighted in the interviews was the impact of Rwanda's entry into the EAC market. Anecdotal evidence suggests that the country is facing increasingly complex cases and that Rwanda exporters have to deal with issues of infringement, particularly with respect to trademarks in other EAC countries.

6.2 Priority needs for technical cooperation, financial assistance and capacity building

73. A number of priority technical and financial cooperation and capacity building needs were identified by key stakeholders. These related to training, equipment for detection and testing, public awareness and resources for the commercial courts.

(a) Public awareness campaigns

74. There are both short-term and medium-term needs related to public education and awareness. In the short-term technical and financial support should be directed to developing and delivering programmes about the importance of innovation and creativity for the achievement of Vision 2020 and the goals of EDPRS, the role of IP in the wider scheme and the provisions of the new IP Code. Particular emphasis will have to be given to flexibilities, safeguards and exceptions. In the medium-term, technical and financial support will be needed to develop targeted programmes for the private sector and professional bodies, such as the law society, as well as the media.

(b) Training for enforcement agencies

75. Taking into account that the police, customs officials and judicial officers have many other responsibilities, there is a clear need for equipping key officials with knowledge about basic IP concepts including the use and importance of flexibilities, the rights and obligations of rights holders and third parties under the law and, in the case of customs and police, detection methodologies.

76. With the increasing complexity of the cases that the enforcement agencies have to deal with there is also a clear need for technical and financial support for advanced specialised training and courses for the police, customs authorities and the judiciary. In the medium to the long-term support will be required to enable the relevant officials undertake refresher courses and courses in new detection and testing methodologies.

(c) Detection and testing equipment and manuals for key agencies

77. In the medium to the longer-term, financial and technical support is required to purchase and maintain basic detection and testing equipment for the police, customs and RBS. Additionally, support will be needed for the development of IP enforcement manuals for all the key agencies. Such manuals would provide a background to the law and international regulations, best practices and procedures in detection and testing, the rights and obligations of complainants and third parties and procedures for seizure and destruction of infringing goods as well as key distinctions between criminal cases and civil commercial cases. These manual could also include information regarding any common procedures or coordination requirements in the context of the EAC customs procedures.

(d) Access to jurisprudence and research resources for the Commercial Courts

78. The court system plays an important role in arbitrating claims related to IP. In Rwanda, as part of the comprehensive commercial law reform a Commercial High Court has been set-up which will hear all commercial cases including most IP cases. As already noted, while the court is yet to hear any IP cases, the enactment of the new IP Code coupled with increasing private sector and public awareness is likely to lead to a growing number of IP related cases. A key need for the court, in addition to training for judges, relates to access to jurisprudence and other reference materials. While this need may be partly addressed by the establishment of an IP resource and information centre at MINICOM, the special needs of the High Court are unlikely to be fully addressed by the national reference centre. A special IP section will be required to be set up in the Commercial Court library. This will require financial support not only for the purchase of some hard copy reference materials but also subscriptions to key legal resources.

Attachment A: Outline of the Rwanda Development and IP Capacity Building Project

INTRODUCTION

1. Rwanda, which has just adopted a new IP Policy and an IP Code, is determined to address the various technical and financial needs identified in the needs assessment study. Drawing on the experiences of Uganda and Sierra Leone, Rwanda intends to translate the needs assessment into a concrete technical assistance project to enable the country implement its IP Policy and IP Code and thereby move towards the implementation of the TRIPS Agreement, taking into account its LDC status.

2. This Attachment sets out the outline of proposed project. The outline includes: the overall project objective; component objectives; main activities; proposed management structure; the expected results; and the approach to monitoring and evaluation. The full project design and development will require a national process for which Rwanda will require interim technical and financial assistance. This preparatory process, which would involve refining the activities, budgeting, management structure and the monitoring and evaluation system, it is estimated, will take three (3) months.

A. OVERALL OBJECTIVE

3. The overall objective of the Rwanda Development and IP Assistance Project is to further integrate Rwanda into the global economy and world trading system by ensuring that the implementation of the TRIPS Agreement and related agreements in Rwanda is undertaken in a manner that ensures that IP laws, institutional strategies and practices contribute to building Rwanda's technological base and cultural industries and thereby national development.

B. COMPONENT OBJECTIVES

4. There are seven (7) specific (component) objectives envisaged for this project. These are:

- Supporting the implementation of the national IP Policy;
- Establishing a baseline on the status of innovation and creative industries;
- Developing balanced IP policies and strategies for public research institutions;
- Further development of the national IP legislative framework including special laws for the protection of traditional knowledge and genetic resources;
- Enhancing IP-related human resource development and provision of on-job-trainings;
- Providing equipment, training and educational resources on innovation, creativity and IP;
- Developing and implementing public awareness programmes.

C. PROPOSED ACTIVITIES

5. A number of activities are planned to be undertaken under each component objective. The annual prioritisation of activities will be done during the full project design and development. As expected, the largest number of activities relate to training. The main activities under each component objective will, among others, include:

C.1 Supporting the implementation of the national IP Policy

The activities would include:

- A detailed review of the Rwanda IP Code for consistency with the new IP Policy; and
- Establishing and coordinating the Rwanda Development and Intellectual Property Forum;

C.2 Establishing a baseline on the status of innovation and creative industries

The activities here would include:

- A study to review the existing information and literature on the status of innovation and creative industries in Rwanda; and
- The design and undertaking of an innovation and creative industries survey for Rwanda, taking into account the results of the above study.

C.3 Developing balanced IP policies and strategies for public research institutions

The envisaged activities here include:

- A review of IP policies and strategies in public research institutions for consistency with the new IP Policy; and
- Development of model IP clauses in research cooperation agreements or memorandums of understanding (MoU).

C.4 Further development of the national IP legislative framework

The main activities here would include:

- National stakeholder consultations on traditional knowledge and genetic resources;
- Designing and drafting a special law for the protection of traditional knowledge and with respect to prior-informed consent and benefit-sharing for access to genetic resources in Rwanda; and
- Revision, as necessary, of the Rwanda IP Code to ensure consistency with IP Policy and to address any other problems.

C.5 Enhancing IP-related human resource development and provision of on-job-trainings

The activities under this component would include:

- Training for the members of the Rwanda Development and IP Forum and other key stakeholders on the new Rwanda IP Policy and IP Code;
- Development of specialised curricula on innovation and IP management in public research institutions as well as for other government officials in key ministries and agencies including – MINICOM, MINISPOC, RDB, the police, customs officials and the judiciary as well as senior industry managers;
- Recruitment and training for new officers at RDB to offer industry support services;
- Training for MINICOM on IP policy monitoring and research;
- Establishment and maintenance of a secretariat for the Rwanda Development and IP Forum;
- Foreign study tours and training for officers in key agencies; and
- Designing relevant school curricula on IP.

C.6 Providing equipment, training and educational resources on innovation, creativity and IP

The activities here would include:

- Establishment and running of the Rwanda IP Resource and Information Centre;
- Procurement of IT equipment and training;
- Purchasing and/or negotiation of access to key international patent databases and repositories;
- Development of IP enforcement manuals for key enforcement agencies; and
- Purchasing and/or negotiating access to IP jurisprudence and legal research resources.

C.7 Developing and implementing public awareness programmes

The main activities here would be:

- Designing, developing and rolling out of an industry awareness campaign possibly in cooperation with the Rwanda Private Sector Forum;
- Designing, developing and rolling out a general public campaign on IP and development in Rwanda, including on the use of TRIPS flexibilities and on IP enforcement.

D. PROJECT MANAGEMENT

The project implementation will be coordinated and supported by a small management team based at MINICOM. The management team will procure the services of international consultants as needed and will be subject to overall oversight by the Rwanda Development and IP Forum.

E. EXPECTED RESULTS

The main expected results under this project can be summarised as follows:

- A coherent and comprehensive IP policy, legislative and coordination framework for Rwanda enabling the country to implement the TRIPS Agreement, taking into account its LDC status;
- Enhanced understanding, awareness and use of IP as socio-economic development tool in all sectors of Rwandan society;
- Enhanced IP management capacity and expertise across relevant government agencies including public research institutions;
- Improved industry use of IP assets; and
- Increased capacity for effective and efficient IP administration and enforcement.

F. MONITORING AND EVALUATION

A robust monitoring and evaluation system will be put in place to ensure the successful implementation of the project. In addition to periodic reports, an external end-of-project review will be undertaken. Further phases of the project will need to reflect the outcome of the review. In both the case of the periodic reports and the final project review, the evaluation will focus not only on input and output indicators but also on outcome indicators.

Attachment B: IP Stakeholder Map for Rwanda

Public Sector (government ministries and agencies, universities and research institutions)

- Office of the President
- Minister in the Office of the President in Charge of Science, Technology, Scientific Research and ICT
- Office of the Prime Minister
- Minister in the Office of the Prime Minister in Charge of Information
- Ministry of Trade and Industry (MINICOM)
- Ministry of Sports and Culture (MINISPOC)
- Ministry of Agriculture and Animal Resources
- Ministry of Finance and Economic Planning (MINICOFIN)
- Ministry of Lands, Environment, Forestry, Water and Mines
- Ministry of Education
- Ministry of Health
- Ministry of Justice
- Ministry of Internal Security
- Ministry of Foreign Affairs and Cooperation
- Parliament (Senate)
- Parliament (Chamber of Deputies)
- Supreme Court
- Commercial High Court
- Police
- Rwanda Science and Research Council (RSRC)
- Office Rwandais D'Information (ORINFOR)
- Rwanda Revenue Authority (Customs Department)
- Rwanda Development Board (RDB)
- Rwanda Agricultural Development Authority (RADA)
- Rwanda Bureau of Standards
- Privatisation Secretariat
- Rwanda Academy of Language and Culture
- Coffee Authority (ICIR-Cafe)
- Provincial Governors
- National University of Rwanda
- Kigali Institute of Science and Technology (KIST)
- Kigali Institute of Health (KHI)
- Higher Agriculture and Veterinary Institute (ISAE)
- Institute of Scientific and Technological Research (IRST)
- School of Finance and Banking (SFB)

Private sector and non-governmental organisations

- Rwanda Private Sector Federation
- Media houses (TV stations, radio)
- The Law Society

International stakeholders

- East African Community (EAC)
- World Trade Organization (WTO)
- World Intellectual Property Organization (WIPO)
- African Regional Intellectual Property Organization (ARIPO)

- United Nations Conference on Trade and Development (UNCTAD)
 - United Nations Development Programme (UNDP)
 - United Nations Industrial Development Organization (UNIDO)
 - United Nations Educational and Scientific Organization (UNESCO)
 - World Health Organization (WHO)
 - World Customs Organization (WCO)
 - The World Bank Group
 - The International Monetary Fund (IMF)
-