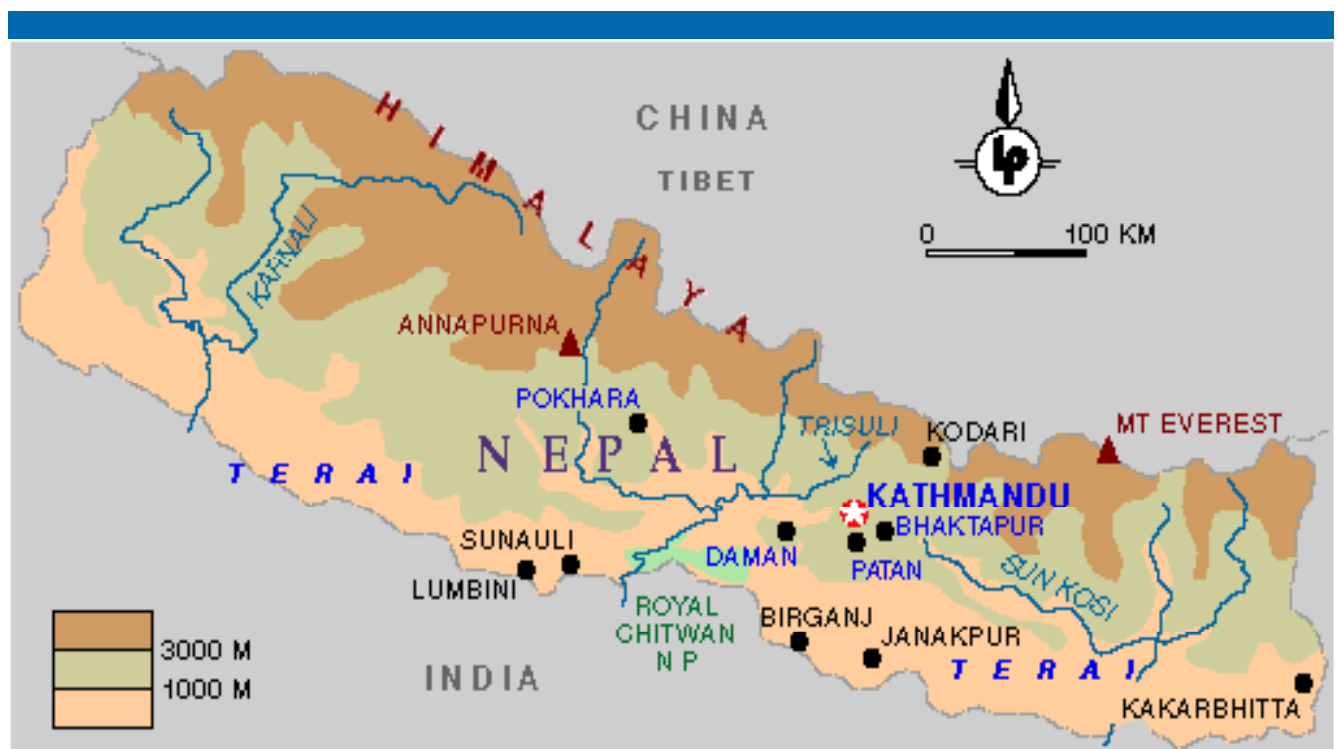


**STUDY PROGRAM ON EFFECTIVE DEVELOPMENT
AND UTILIZATION OF IP ASSETS
(NOV 25 TO 27, 2009)
TOKYO, JAPAN**

Organized by
UNDP



Presented by
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Nov 2009



Nepal

Geographic Situation

- ❖ **Nepal Lies between two big country China and India (Land luck Country)**

- ❖ **Total land area of 1,47,181 sq km.**

0.3% of the total land of Asia

0.03% of the total area of the Earth.

- ❖ **Divided into three zones**

- i) Snow Capped High Himalayas, 15% of total area

- ii) Mountainous region including long terraces & fertile valleys and 68%

- iii) Sub-tropical plain Region 17%

- iv) Land elevation from 70 mt. to 8848 mt, Highest Mountain Mt, EVEREST and other 8 highest peak in Nepal

- v) Lumbini is the birth place of Lord Buddha is in Nepal.

Nepal at Glance

- ❖ **Population : 26.5 million**

- ❖ **Per capita Income: \$468 per annum**

- ❖ **Population Growth rate: 2.2% per annum.**

- ❖ **The composition of Nepalese economy:**

- i) Agriculture sector 40%;

- ii) Commercial sector 10%;

- iii) Industry sector 10% out of which, Small and Cottage Industries are nearly 90% .

- iv) Employment contribution by cottage and small industries : 76%

- v) Value addition contribution by Small and Cottage Industries: 50%

- vi) service sector and others 40%

- ❖ **Literacy of population: 62%**

- ❖ **Potential recourses is hydroelectricity total capacity is 83,000 megawatt.**

Nepal at Glance cont....

- ❑ WTO MEMBERSHIP – APRIL 23, 2004
- ❑ SAFTA (TIG) - JAN 06, 04, BIMSTEC (TIG & TIS) – FEB 08, 06
- ❑ WHILE ACCESSION NEPAL'S COMMITMENT TO WTO- IP PROTECTION ACT BY 2005 - DRAFT UNDER DISCUSSION
- ❑ WIPO MEMBERSHIP – (1997) AND A PARTY TO PARIS CONVENTION (2001)

Nepal at Glance cont....

- ❑ Over 90% industrial and commercial activities are run by SMEs
- ❑ Therefore, large in number, scattered across the country, less capacity to pay for service rendered
- ❑ Poor awareness of IP benefits among SMEs – should deal separately

INTELLECTUAL PROPERTY RIGHTS FROM WIPO VIEWPOINT

- ❑ Literary, artistic, scientific works, phonograms, broadcasts & performances of performing artists (copyrights)
- ❑ Inventions of human endeavor
- ❑ Scientific discoveries, industrial designs, trade marks, service marks commercial names & designations
- ❑ Protection from unfair competition
- ❑ All other rights resulted from intellectual activity

EXISTING IP ADMIN SYSTEM IN NEPAL

- ❑ IP section responsible for patent, trade marks, design and labeling
- ❑ Partly through EDI/ IPAS (wipo-nov03)
- ❑ Partly manual (currently 4000 files are out of EDI/ IPAS system)
- ❑ Copyrights – through Ministry of Culture, and State Reconstruction

CONTD...

- Patent – registered for 7 yrs renewal 2 times**
- Industrial design – registered for 5 yrs renewal 2 times**
- Trade marks – registered for 7 yrs renewal for indefinite period**
- The scope of act covers the protection of foreign industrial property**

OUR DAY TO DAY ACTIVITIES ?

- Scanning applications received for registration**
- Receive complains on violation of IPR**
- Conduct investigation against violation**
- Organize meetings, seminars, promotional activities, create awareness**
- Registration, cancellation of IPs co-ordinate with national and int'l organizations/ governments**

LEGAL & INDUSTRIAL ARRANGEMENT

- ❑ WIPO MEMBERSHIP – 1997
- ❑ PARIS CONVENTION – 2001
- ❑ PATENT DESIGN & TRADEMARK ACT- 1933 REPLACED IN 1965. & AMMENDED IN 05. THE PROCESS OF NEW ACT – 2005 (AFTER JOINING WTO – APRIL 04)
- ❑ COPYRIGHTS ACT – 2002
- ❑ 1-D, 4-OFFICERS, 6-SUPPORTING STAFFS, 5- DESKTOP COMPUTERS AND 6 ROOMS
- ❑ NO SEPARATE BUDGET

ADMINISTRATIVE DIFFICULTIES BEFORE USE OF IP

NOTE: Industrial Property Automation System (IPAS) deployment by WIPO Nov.03

- ❑ Search was done manually using Journals and Registers
- ❑ Data (Registered Trademark only) used to be entered into database for Publication of Journal only
- ❑ Required longer time for Journal publication
- ❑ Required longer time to acquire relevant IP datas.

ADMINISTRATIVE DIFFICULTIES BEFORE USE OF IP

- ❑ **Publication of Journals might have errors due to manual work.**
- ❑ **Wrong data might be entered into database due to workload.**
- ❑ **Chance of similar mark registration due to manual search.**
- ❑ **Chance of getting wrong statistics due to manual work.**

IMPROVEMENT AFTER IPAS DEPLOYMENT IN NEPAL'S IP ADMIN

- ❑ **IPAS DEPLOYMENT DONE BY WIPO-
NOV'03**
 - **Oracle Server Installed**
 - **Old data were Converted into Excel Sheet and then imported to IPAS.**
 - **Related staffs of Industrial Property Section, DOI were trained**

CONTD....

...CONTD...

IMPROVEMENT AFTER IPAS DEPLOYMENT IN NEPAL'S IP ADMIN

- Search can be done easily. No more need of journals for searching marks. (but checking logos, journals are still necessary)
- Capturing of data after application received
- No. of errors in registration has been decreased
- Regular update of data

...CONTD...

IMPROVEMENT AFTER IPAS DEPLOYMENT IN NEPAL'S IP ADMIN

- Publication of Journal takes lesser time than previous
- Searching of similar marks has been easier than previous
- No need of journals for similarity search of marks
- Getting statistics of IP takes minimum time

WAY FOR FUTURE

- Search of marks by product should be added
- Nice classification search is not possible yet
- IPAS designer should be updated
- Manual for IPAS designer should be prepared
- Search of marks using Unicode should be supported
- NEED MORE REFRESHER TRAININGS (as per changing environment)
- Discussion forum for IPAS user should be opened.

...CONTD...

WAY FOR FUTURE IMPROVEMENT

- ❑ MORE AWARENESS PROGRAMS AT GRASS – ROOT LEVEL
- ❑ SEPARATE EDI FACILITIES FOR IP ACTIVITIES
- ❑ MORE TRAININGS FOR IP OFFICIALS – PATENT, INDUSTRIAL DESIGN, TM, GI, TK, FOLKLORE
- ❑ MORE WIPO AND OTHER AGENCY'S COOPERATION WITH IP OFFICIALS
- ❑ COOPERATION TO NEPAL'S EFFORTS : JOINING MADRID PROTOCOL, PATENT COOPERATION TREATY, NEW ACT -COMPLIANCE WITH WTO & RTAS

...CONTD...

WAY FOR FUTURE IMPROVEMENT

- ❑ TA FROM WIPO THRU WIPO NET PROGRAM BE CONTINUED – AROUND 4000 FILES
- ❑ DISCUSSION UNDERWAY WITH AUSTRALIAN GOVT FOR DEV OF IP SYSTEM, TRAINING & COMPLIANCE WITH TRIPS
- ❑ UNDP/ WTO SPONSORED “ NEPAL WINDOW II INTEGRATED FRAMEWORK PROJECT BE CONTINUED
- ❑ LESS FOCUS ON TRIPS – MORE ON TIG & TIS

IMPROVEMENT AFTER IPAS DEPLOYMENT IN NEPAL'S IP ADMIN

❑ IPAS DEPLOYMENT DONE BY WIPO- NOV'03

- Oracle Server Installed
- Old data were Converted into Excel Sheet and then imported to IPAS.
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CONTD....

...CONTD...

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- ❑ Search can be done easily. No more need of journals for searching marks. (but checking logos, journals are still necessary)
- ❑ Capturing of data after application received
- ❑ No. of errors in registration has been decreased
- ❑ Regular update of data

...CONTD...

IMPROVEMENT AFTER IPAS DEPLOYMENT IN NEPAL'S IP ADMIN

- ❑ Publication of Journal takes lesser time than previous
- ❑ Searching of similar marks has been easier than previous
- ❑ No need of journals for similarity search of marks
- ❑ Getting statistics of IP takes minimum time

WAY FOR FUTURE

- ❑ SEARCH OF MARKS BY PRODUCT SHOULD BE ADDED
- ❑ NICE CLASSIFICATION SEARCH IS NOT POSSIBLE YET
- ❑ IPAS DESIGNER SHOULD BE UPDATED
- ❑ MANUAL FOR IPAS DESIGNER SHOULD BE PREPARED
- ❑ SEARCH OF MARKS USING UNICODE SHOULD BE SUPPORTED
- ❑ NEED MORE REFRESHER TRAININGS (as per changing environment)
- ❑ DISCUSSION FPRUM FOR IPAS USER SHOULD BE OPENED.CONTD.....

...CONTD...

WAY FOR FUTURE IMPROVEMENT

- ❑ MORE AWARENESS PROGRAMS AT GRASS – ROOT LEVEL
- ❑ SEPARATE EDI FACILITIES FOR IP ACTIVITIES
- ❑ MORE TRAININGS FOR IP OFFICIALS – PATENT, INDUSTRIAL DESIGN, TM, GI,TK, FOLKLORE
- ❑ MORE WIPO AND OTHER AGENCY'S COOPERATION WITH IP OFFICIALS
- ❑ COOPERATION TO NEPAL'S EFFORTS IN JOINING MADRID PROTOCOL, PATENT COOPERATION TREATY, NEW ACT - COMPLIANCE WITH WTO & RTAS

...CONTD...

WAY FOR FUTURE IMPROVEMENT

- ❑ TA from WIPO thru WIPO net program be continued – around 4000 files
- ❑ Discussion underway with Australian Govt for dev of IP system, training & compliance with trips
- ❑ UNDP/ WTO sponsored “ Nepal window ii integrated framework project be continued
- ❑ Less focus on TRIPS – more on TIG & TIS

industrial property administration

- Receive complains and cases of infringement and violation of industrial property rights
- Conduct investigation and take necessary action against infringements and violation of IP rights
- Organize IP related meetings, seminars and promotional activities.

➤ Patent Rights

- Receiving the applications
- Examine them
- Consultation with experts
- Field observation (If necessary)
- Patent Registration
- Publish in the Gazzette

➤ Design

- Receiving the applications with drawing/scratch
- Examine them
- Consultation with experts
- Decision and certificate issue.

➤ Trade Mark

- Receiving the applications
- Screening and examine them
- Bulletin publish for opposition
- Issuing the trademark register and certification.

Some Highlights of IP and
SMEs in Nepal

IP and Role of DCSI

- The Department of Cottage and Small Industries has set up Enhancing Capabilities for the use of IP (ECUIP).

Objectives:

- To develop the capabilities of the micro cottage and small enterprise for the use of IP tools.
- To contribute the economic development of the country by protecting the IPRs and promoting the use of IP tools.

Target group

- Micro, Cottage and small enterprises or entrepreneur.
- Local Creative work holders, scientist and inventors and
- Other related people, organizational and institutions.

Implementation Network of ECUIP

- Micro and Cottage and Small Enterprises Development Fund.
- Department of Cottage and Small Industries (ECUIP Secretariat)
- District Cottage and Small Industries officials
- Federation of Nepalese Chamber of Commerce and Industries. (FNCCI)
- Federation of Nepalese Cottage and Small Industries (FNCSI)

- To develop the capabilities of the micro cottage and small enterprise for the use of IP tools.
- To contribute the economic development of the country by protecting the IPRs and promoting the use of IP tools.
- **Target group**
- Micro, Cottage and small enterprises or entrepreneur.
- Local Creative work holders, scientist and inventors and
- Other related people, organizational and institutions.

Current Status of SMEs in Nepal

SN	Category	Number
1	Agro and Forest Based	2717
2	Construction	3413
3	Energy Based	197
4	Manufacturing	34537
5	Minerals	26
5	Service	38232
6	Tourism	4465
	Total	83587

Number of Large Scale Industry Register by Category (Up to April 15, 2009)

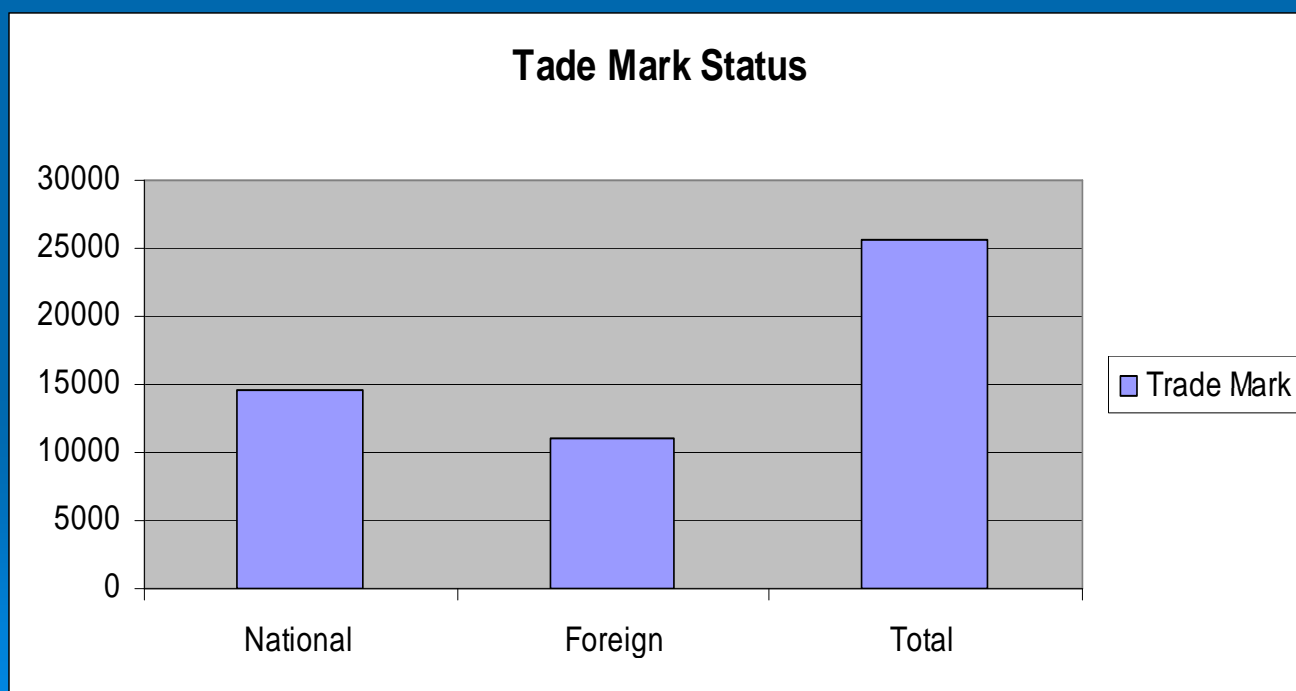
Category	No. of Industry	Total Project Cost (Rs in Million)	Total Fixed Cost (Rs in Million)	Total Number of Employment
Agro and Forest Based	178	10645.33	9040.04	25537
Construction	33	3234.03	2982.14	2079
Energy Based	46	36957.71	34365.89	8198
Manufacturing	1977	133607.25	94070.31	238186
Minerals	27	2892.16	2629.69	3017
Service	1036	61293.91	47950.22	75026
Tourism	661	32501.41	28570.93	28688
Total	3958	281131.81	219609.22	380731

Note: 1\$(US)=74 RS (Nepalese Rupee)

BRIEF STATISTICS UPTO APRIL 09

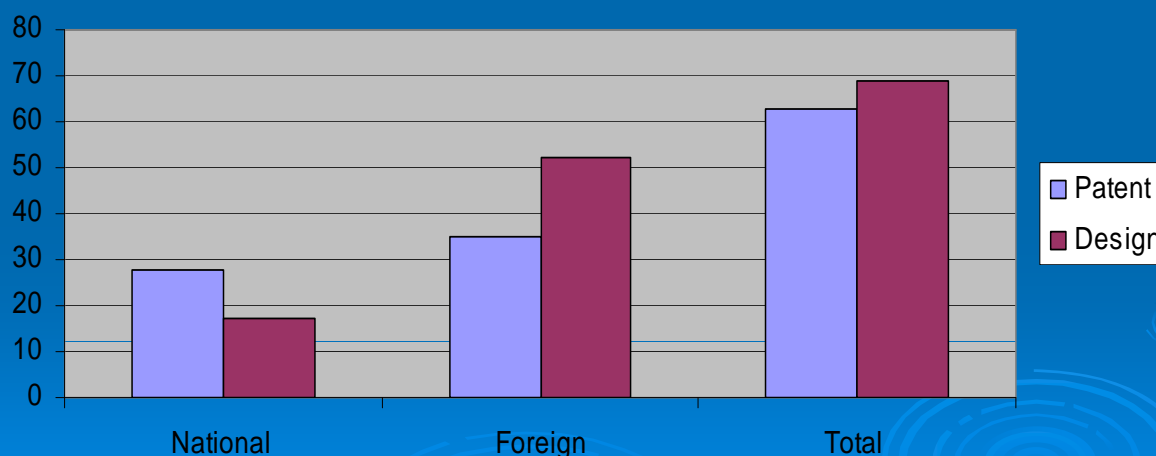
IP Status	National	Foreign	Total
Trade Mark	14679	11043	25722
Patent	28	35	63
Design	17	52	69

Trade Mark Status in Chart



Patent and Design

Patent and Design Status in Nepal



Fees and Duration for Registration and Renewable

Types of Fee(Rs)	Trademark	Design	Patent
Application Fee	1,000	1,000	2,000
Registration Fee	5,000	7,000	10,000
Renewal Fee	3,500	1,000 / Year 2,000 /Year	5,000/Year 7,500/Year
Duration	7 Years	5 Years (Total 15 Yrs)	7 Years (Total 21 Yrs)
Renewal	Indefinitely (Each 7Yrs)	Twice	Twice

Thank You!

