

The Use of IP System for Development and Issues of Interest to Least Developed Countries (LDCs)

***Workshop for the Least Developed Countries
of Asia and the Pacific Region on the Use of
Intellectual Property for Technological
Capacity Building, Economic
Competitiveness and Development***

December 15-16, 2011, Thimpu, Bhutan

Overview:

- Intellectual Property System and LDCs :
- LDCs: characteristics
- Issues of Interests to LDCs
- Some policy considerations

- IP is an important tool for economic growth.
- No single, uniform approach to IP.
- Flexibilities in IP system:
- Varying objectives against nation policy setting
 - IP as tool for gaining access to foreign markets.
 - Using the appropriate IP tools for promoting dissemination and transfer of technology.
 - maintaining an competitive economic environment.
 - addressing the problem of the high costs of health care and mechanisms that reduce the impact of IP, if any, on those costs.
 - IP should serve the promotion of tourism or the preservation of cultural heritage.

Intellectual Property and the Least Develop Countries

IP and the LDCs

Impediments?
Inspiration!
Opportunity !!

- LDCs concerns
- LDCs needs and priorities
- LDCs and IP: national, regional and international involvement

LDCs- Characteristics

Extreme poverty, structural weaknesses of economy, lack of institutional capacities, vulnerable to external economic shocks, natural and man-made environmental calamities and communicable diseases.

Currently there are 48 countries who are identified by the UN System as LDCs; 33 in Africa, 14 in Asia and the Pacific and 1 in Latin America.

LDCs

48 LDCs

Asia and the Pacific	13
Africa	30
Arab	4
Latin America	1

LDCs in the Asia and Pacific Region

Afghanistan	Solomon Islands
Bangladesh	Timor-Leste
Bhutan	Tuvalu
Cambodia	Vanuatu
Kiribati	
Laos	
Myanmar	
Nepal	
Samoa	

Criteria:

- A low-income criterion, based on a three-year average estimate of the gross national income (GNI) per capita (under \$905 for inclusion, above \$ 1,086for graduation);
- A human capital status criterion, involving a composite Human Assets Index (HAI) based on indicators of: (a) nutrition: percentage of population undernourished; (b) health: mortality rate for children aged five years or under; (c) education: the gross secondary school enrolment ratio; and (d) adult literacy rate; and
- An economic vulnerability criterion, involving a composite Economic Vulnerability Index (EVI) based on indicators of: (a) population size; (b) remoteness; (c) merchandise export concentration; (d) share of agriculture, forestry and fisheries in gross domestic product; (e) homelessness owing to natural disasters; (f) instability of agricultural production; and (g) instability of exports of goods and services.

Innovation, Creativity and Development needs of LDCs

United Nations Conference on the Least Developed Countries (UN LDC IV), Istanbul, Turkey, May, 2011

- Export led growth
- Productive capacity
- Diversification
- Enhanced investment
- Building technological capacity
- Strengthening the capacity of private sector

Supportive global program, policies and measures aimed at expanding the development opportunities of Least Developed Countries and responding to their evolving national priorities

Key issues in UN LDC IV

Productive capacity

LDCs' economies feature
Limited productive
capacities

- binding supply constraints
- weak export and economic potentials
- limited productive employment generation

Science, technology and innovation

All least developed countries are lagging behind acquiring new technologies and building domestic capacity and a knowledge base

Bridge the digital divide and technology gap in support of rapid poverty eradication and sustainable development.

Establishing Technology Bank

To promoting research and development and innovation in the field of science and technology.

Agriculture, food and nutritional security and rural development

Support efforts -.....to strengthen agricultural and/or marine research and development institutions,

- collaborative measures
- building long-term institutional capacity
- facilitate transfer of appropriate technology and technical know-how, under mutually agreed terms and conditions

Trade

Trade has an important role in ensuring least developed countries' sustainable economic development.

-support to should address supply side constraints by enhancing productive capacities and reducing constraints on the private sector, as well as building and diversifying their export base.

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LDCs in WIPO

Ministerial Declaration on Intellectual Property for the Least Developed Countries An Agenda for the Strategic Use of Intellectual Property for Prosperity and Development of the LDCs

- creation, protection, management and use of intellectual property rights would contribute to economic development by facilitating the transfer of technology, increasing employment and creating wealth;
- WIPO Development Agenda has agreed on a number of recommendations to support IP institutions and capacity building in the LDCs to promote national development;
- to participate actively in deliberations in various international fora, particularly within WIPO, on the wealth-creation effect of intellectual property including at the national level in formulating strategies, policies, plans and mechanisms
- Decide to intensify cooperation with WIPO to scale up the use of trademarks, service marks, designs and geographical indications in economic activities, especially in branding selected export products of LDCs
- WIPO to enhance its assistance to the LDCs in meeting all their IP objectives; in particular, attention should be paid to supporting creative, inventive and innovative activity in our countries across all economic sectors including through the involvement of universities, R&D institutions and technical skills development institutions, and in this context emphasize the need for commercialization of research output through linkage with the market and the private sector;
- Underscore the importance of creating, enabling national framework for the use of intellectual property in economic, social and cultural development, and in that context seek to cooperate with WIPO in formulating national innovation strategies taking into account the level of development of each LDCs.

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Using the IP System: Issues of interests in focus

- Technological capacity building
- Access to technology and scientific information:

TECHNOLOGICAL CATCH UP

INNOVATION

BUILDING KNOWLEDGE BASE

INTEGRATION – GLOBAL KNOWLEDGE SYSTEM

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Technology, Development and LDCs

long-term poverty reduction requires sustained economic growth, which in turn depends on technological advance

Millennium Project Report to UN Secretary General 2005

The technological gap between developed world and LDCs has grown over the years as a result of rapid technological advances in the developed countries and relative slow advances in the LDCs.

LDC Report 2007(UNCTAD)

There is a danger that LDCs will be increasingly marginalized if they do not enhance the knowledge content of their economies and achieve economic diversification through learning and innovation

LDC Report 2007(UNCTAD)

LDCs are locked into primary commodity sectors and low-skill activities

LDC Report 2007(UNCTAD)

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% of total manufactured exports	Other Developing Countries		Least Developed Countries	
	1995-1996	2007-2008	1995-1996	2007-2008
Primary products	21.8	23.3	56.5	66.7
Low technology manufactures	22.8	16.3	16.3	14.8
Medium technology manufactures	19.3	20.3	3.2	2.0
High technology manufactures	19.7	22.5	0.5	0.6

UNCTAD, February 2010

WIPO Context

-the enhancement of the capacity of the least developed and developing countries to participate in and use the IP system for encouraging innovation and cultural creativity.
- We have also developed a number of databases, platforms and services that increase the opportunity for developing countries to use the knowledge and information generated by the IP system.

Dr. Francis Gurry, Director General, WIPO Assemblies of the Member States, 2011

- aRDi
- ASPI
- TISC
- Development Agenda Projects
- Patent Landscape report
- Appropriate Technology
- Patent Information Service

Access to information

1. Facilitating access to databases:
 - Patent (free-of-charge and commercial)
 - Non-patent (scientific and technical journals)
2. Institution:
 - Establishing Technology and Innovation Support Centers (TISCs)
3. Capacity building:
 - Training staff
 - Organizing outreach programs

Access to Patent Databases

- Free-of-charge patent databases
 - Regional and international organizations (e.g. PATENTSCOPE®, esp@cenet)
 - National offices (e.g. USPTO, JPO etc.)



Access to Patent Databases

■ The Access to Specialized Patent Information (ASPI)

Launched in 2010 by WIPO in cooperation with its partners LexisNexis, Minesoft, ProQuest, Questel, Thomson Reuters, and WIPS.

Support developing and LDCs in more fully exploiting their innovative potential by leveraging the valuable information contained in patent documents to develop new solutions to technical problems faced at the local and international levels.

Complement the activities of the Access to Research for Development and Innovation ([aRD*i*](#)) program as well as the patent search and analysis tools provided by the [PATENTSCOPE® search service](#).

■ Eligibility

- The Access to Specialized Patent Information (ASPI) program enables patent offices as well as academic and research institutions in numerous developing countries to benefit from access to flagship patent data search and analysis products offered by the participating patent information providers for free of charge or at a sharply reduced cost:
- In least developed countries, as defined by the United Nations, patent offices and academic and research institutions can receive access to all products at no cost..



ASPI - Microsoft Internet Explorer
 http://www.wipo.int/asp/en/

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ASPI

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Through the Access to Specialized Patent Information (ASPI) program, patent offices and academic and research institutions in [developing countries](#) can receive free or low-cost access to sophisticated [tools and services](#) for retrieving and analyzing patent data. The ASPI program is made possible by a public-private partnership between the World Intellectual Property Organization and leading [patent information providers](#).

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Once your registration has been processed, user license agreements will be sent to your institution's director for the selected patent data services. Upon receipt of the signed agreements, login details for the patent data services will be sent to your institution's director and chief librarian at the e-mail addresses provided in the form below. Should your institution not have a librarian, the login details will be sent to your institution's director only.

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Access to Non-patent database: aRDi

■ Access to Research for Development and Innovation (aRDi)

Provide access to scientific and technical information by entering into partnership with private sector.

Aims to increase the availability of scientific and technical information in developing and least developed countries.

Seeks to reinforce the capacity of least developed countries to participate in the global knowledge economy by providing access to scholarly literature from diverse fields of science and technology,

Support researchers in the LDCs in creating and developing new solutions to technical challenges faced on a local and global level.

The Program provides technology, industrial property offices, universities and research institutes in least developed countries with free access to selected on-line journals whose subscription cost would normally total some **\$400,000.00 a year for an individual LDC.**

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aRDi
ACCESS TO RESEARCH FOR DEVELOPMENT AND INNOVATION

- Public-private partnership with currently 12 major publishers
- Over 50 journals (from PCT Min. NPL Documentation list)
- Launched July 2009

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Eligibility

- For Least Developed Countries
 - for academic and research institutions, as well as industrial property offices
 - access for free

■ **WIPO Development Agenda**

The WIPO Development Agenda aims to ensure that development considerations form an integral part of WIPO's work. As such, it is a cross-cutting issue which touches upon all sectors of the Organization.

When formally establishing the Development Agenda in October 2007, the WIPO General Assembly adopted a set of [45 recommendations](#) to enhance the development dimension of the Organization's activities.

[Committee on Development and Intellectual Property](#) (CDIP).

Institution building : TISCs

- Establishment of Technology and Innovation Support Centers (TISCs)
 - Access to patent and non-patent data
 - Assistance for local users from trained staff
 - Services based on staff capacities and user needs

Joint engagement

- Local ownership
 - Staff
 - Facilities
- WIPO support
 - Facilitating access to databases
 - Training of TISC staff
 - WIPO Academy Distance Learning Courses
 - Provision of information & training materials
 - Support awareness-raising activities

Location

- National/regional patent offices and branches
- Universities and academic institutions
- Science and technology parks
- Chambers of Commerce
- Other appropriate institution

TISC Users

- Individual inventors
- Small and medium enterprises
- Industry
- Researchers in technology centers and universities
- Academia (ranging from schools to universities), etc.

Services

- Basic service package
 - Access to patent and non-patent databases
 - Assistance for database searches
- Full service package: Additional services based on user need and office capacity
 - Assistance and advice with regard to other IPRs, technology transfer, commercialization, etc.
 - Advisory services e.g. IP management

TISC Networks

- National Network
 - Central focal point: National Patent Office (NPO) or institution designated by NPO
 - Peripheral focal points: Institutions coordinated by NPO
- Regional Network
 - NPOs/Institutions from region
 - Conferences

Implementation

- Service Level Agreement (SLA)
- Defining IPO and WIPO responsibilities

Appropriate Technology

- WIPO Development Agenda Project : Capacity-building in the Use of Appropriate Technology-specific Technical and Scientific Information as a Solution for Identified Development Challenges (Recommendations 19, 30 and 31)
 - To facilitate greater use of appropriate technical and scientific information in addressing nationally identified needs for development goals;
 - To build national institutional capacity in the use of technical and scientific information for identified needs so as to progress towards the achievement of key national development targets; and
 - To coordinate the retrieval of appropriate technical and scientific information and the provision of appropriate know-how in this technical area to implement this technology in a practical and effective manner.

Branding

- IP and Product Branding for Business Development in Developing Countries and Least Developed Countries (LDCs)
 - To contribute to the business development of local communities by developing strategic alliances of producers/farmers associations, SMEs and public institutions, to build product brands through the strategic use of IP rights.
 - To improve the capacities of national institutions, including IP Offices, to handle efficiently the procedures for registration and examination of trademarks and geographical indications
 - To raise awareness on the impact of product branding on the business development of local communities and local SMEs, in the framework of sustainable development priorities.

- Is it to look beyond the quest to establish empirical nexus between IP protection and economic development

or

- More relevant is to look as to how and under which circumstances can IP protection support growth in countries at different stages of development?

IP, Innovation and Development Compact

A compact at the national level through which different stakeholders can work together to achieve a knowledge inspired economic development pathway

The compact will facilitate stakeholders to orient their efforts towards strengthening national capacity in the use of innovation and creativity for economic growth and development



The compact should function at the following levels with inter-linkage between them

- Institutional level

Compact between various organizations and institutions

Government entities: various ministries, departments, public sector research and development institutions, Universities, judiciary, law enforcing organizations, semi-governmental bodies

Non-governmental entities: Business and Industry associations, civil society organizations, associations of lawyers and IP practitioners, parliamentarians, financing institutions


- Policy and strategy level

Interface of national development policies and strategies with innovation and creativity

Coherence among various national policies and strategies having similar interface with IP



**IP, INNOVATION AND DEVELOPMENT COMPACT
(HIGH POLITICAL SUPPORT AND GOVERNANCE)**

<p>Institutional compact (Functional linkage)</p>	<p>issues</p>	<p>Policy compact (policy and Strategy Coherence)</p>
<p>Governmental entities Ministries of Industry, Health, Science & technology, Commerce, Law, Foreign Affairs, Energy, Environment, Cultural Affairs, IP office, Customs, Police, Inversement Authority, Registration and Licensing authority, Export promotion Authority etc.</p> <p>Non-Governmental entities Business and Industry associations, civil society organizations, associations of lawyers and IP practitioners, parliament, financing institutions Etc.</p>	<p>Trade, Public health Food security, Economic Competitiveness, Agricultural productivity Improving productivity Impact of climate change Standard, R&D, TK, Creative industry, Education Technical training, Finance Etc.</p>	<p align="right">  </p>

■ How to start establishing the compact ?

IP and innovation strategy

- Increased importance of IP
 - International treaties (TRIPS,...)
 - Increased strategic use of IP
 - Relevance of IP to many economic & social challenges
- IP system involves many elements
 - Laws
 - Institutions (administration & enforcement)
- Many different government entities are responsible
- Need to prioritize (including demands for technical assistance)

IP strategy

- IP is not an end in itself
- IP strategy should be derived from broader economic development strategies
- Content:
 - Medium to long term vision of where IP policy and institutions should go
 - Prioritization
 - Strategy is not a workplan, developing a workplan follows a strategy

Strategy matrix (example)

	National Development goals	Key indicators	Relevance of IP	IP policy levers	Key elements of enabling environment
Public health & IP					
Agriculture & IP					
Culture & IP					
Environment, energy, & IP					
Industry, Development & IP					
Trade and IP					
Education and higher learning and IP					

Possible Benefits of National IP, Innovation and Development Compact

- Institutional capacity building
- Coherence with national goals
- Responding to new development expectations and policy goals and strategic needs
- Higher priority in national policy settings
- Improved coordination
- Improved and efficient utilization of international support
- Improved capacity to utilize international/multilateral decisions taken in favor of LDCs.

A Dynamic and Development Oriented IP Program for the Future

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Thank you

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