

Committee on Development and Intellectual Property (CDIP)

Twelfth Session

Geneva, November 18 to 21, 2013

PILOT PROJECT ON INTELLECTUAL PROPERTY (IP) AND DESIGN MANAGEMENT FOR BUSINESS DEVELOPMENT IN DEVELOPING AND LEAST DEVELOPED COUNTRIES (LDCS)

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP), at its eleventh session held in May 2013, considered a Project Proposal from the Republic of Korea on Intellectual Property (IP) and Design Management for Business Development in Developing and Least Developed Countries (LDCs), contained in document CDIP/11/7. The Committee requested the Secretariat to work together with the Republic of Korea to further develop this proposal into a CDIP project document and present it at its twelfth session.
2. Accordingly, by a way of communication dated October 10, 2013, addressed to the Secretariat, the Permanent Mission of the Republic of Korea has submitted the revised project proposal entitled “Pilot Project on Intellectual Property (IP) and Design Management for Business Development in Developing and Least Developed Countries (LDCs)”, for consideration of the twelfth session of the CDIP.
3. The above-mentioned communication of the Republic of Korea, together with its enclosures, is contained in the Annex of this document.
4. *The CDIP is invited to consider and approve the Annex to this document.*

[Annex follows]



PERMANENT MISSION OF THE REPUBLIC OF KOREA
GENEVA

KGV/198/2013

The Permanent Mission of the Republic of Korea to the United Nations Office and other International Organizations in Geneva presents its compliments to the Secretariat of the World Intellectual Property Organization (WIPO) and has the honor of writing with regard to the convening of the Twelfth Session of the Committee on Development and Intellectual Property (CDIP), to be held in Geneva 18-22 November 2013.

In this regard and as a contribution to the efforts made to implement the 45 recommendations of the WIPO Development Agenda, the Permanent Mission of the Republic of Korea wishes to submit a revised proposal for a project on IP and Design Management for Business Development in Developing and Least Developed Countries and to request that this proposal be distributed as an official document to be examined and considered for adoption during the aforementioned session of the CDIP. Along these lines, please find the enclosed proposal.

The Permanent Mission of the Republic of Korea to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the World Intellectual Property Organization (WIPO) the assurances of its highest consideration.

Geneva, 10 October 2013

Enclosed: As stated.

Secretariat
World Intellectual Property Organization
34, Chemin des Colombettes
1211 Geneva 20



DEVELOPMENT AGENDA RECOMMENDATIONS 4 AND 10

PROJECT DOCUMENT

1. SUMMARY	
<u>Project Code</u>	DA_4_10_02
<u>Title</u>	Pilot Project on Intellectual Property (IP) and Design Management for Business Development in Developing and Least Developed Countries (LDCs)
<u>Development Agenda Recommendation(s)</u>	<p><i>Recommendation 4:</i> Place particular emphasis on the needs of small and medium-sized enterprises (SMEs) and institutions dealing with scientific research and cultural industries and assist Member States, at their request, in setting up appropriate national strategies in the field of intellectual property.</p> <p><i>Recommendation 10:</i> To assist Member States to develop and improve national intellectual property institutional capacity through further development of infrastructure and other facilities with a view to making national intellectual property institutions more efficient and promote a fair balance between intellectual property protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with intellectual property.</p>
<u>Brief Description of Project</u>	<p>The project aims at supporting Small and Medium-Sized Enterprises (SMEs), which actively create and commercialize designs, in the active use of the IP system and the development of strategies that will encourage investment in design.</p> <p>Through close cooperation with lead agencies in the participating countries, the project will promote the strategic use of Intellectual Property rights, in particular, industrial design rights, by SMEs in those countries, thereby encouraging a pro-active approach to design protection in domestic and export markets.</p> <p>The project is based on a proposal presented by the Republic of Korea at the eleventh session of the CDIP (document CDIP/11/7). Elements of the original proposal as well as new elements intending to respond to comments made at the 11th session of the CDIP are addressed by this project document.</p>
<u>Implementing Program(s)</u>	Program 2
<u>Links to other related Program(s)/ DA Project(s)</u>	Links to WIPO Programs 2, 9, 30 and 31.

<u>Links to Expected Results in the Program and Budget</u>	<i>Expected Result III.2.</i> Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and countries with economies in transition.
<u>Project Duration</u>	24 months.
<u>Project Budget</u>	Total non-personnel costs for the project: 250.000 CHF. Estimation of human resources requirements: One project officer at level P2 - P3 level (237.000 Swiss francs).

2. PROJECT DESCRIPTION

2.1. Introduction to the issue

Increasingly products are enjoying prestige and international recognition due to their design characteristics. In many cases, products benefit from the strategic use of design as an Intellectual Property Right (IPR). A design strategy adds value to the product, helps raise its market demand and increases economic return for its producers. However, developing countries and LDCs face specific and common challenges, many of which are related to effective design awareness and a need for building and strengthening capacities for management and protection of designs.

The proposed project will cover the development of concrete strategies including the offering of assistance, starting with the identification of SMEs that actively develop and use designs, and covering the entire design protection process from application to registration. Where industrial design registration does not appear to be the preferred solution, alternative ways of IP protection will be explored. Such strategies can be a key factor in raising the capability of SMEs to protect and manage design rights, while raising public awareness of the issue.

2.2. Objectives

Addressing Development Agenda Recommendations 4 and 10, the project aims to achieve the following general objective and more specific objectives.

General objective:

To contribute to two countries' economic development by reinforcing their national IPR design protection mechanism strategy and use by SMEs, resulting in an increase of investments in design allowing a higher turnover of participating SMEs. This project aims at a national long-term impact and at possible replication in other Member States.

Specific objectives:

To contribute to the business development of SMEs in participating countries by encouraging investment in design through the strategic use of IPR, in particular the proactive use of appropriate design protection mechanisms that were neglected so far;

To improve the capacities of national design institutions, including IP Offices, to encourage the strategic use of the IP system for design producing businesses, thus leading to an increased use of available design protection mechanisms.

2.3. Delivery Strategy

The project will be implemented in two countries with a view to develop a design strategy for design businesses in each of them.

Member States interested in participating in the project will be required to analyze their current situation with regard to design protection, especially concerning design registrations by residents and the potential use of the design registration system by resident design businesses.

Interested Member States will be required to designate a national lead agency, for example the industrial property office, or a government agency or representative industry organization with a mandate for supporting design, which should formulate a project proposal that will provide information on the following questions:

- (a) Existence of design based industries or manufacturers in the country;
- State of design protection institutions and legislative framework and infrastructure;
- Actual need to support design businesses in developing IP strategies and obtaining active IP protection for their designs in national and international markets; and
- Potential for taking over and continuing the project after completion of initial project as well as for replication in other Member States.

The project components will build on each other for effectiveness and sustainability. In particular, the following tasks and activities will be carried out to achieve the above project objectives:

(a) Development of Design Strategies:

The project objectives will be achieved through the development of strategies for securing IP design rights.

Based on individual project proposals, two countries from different geographical regions will be selected for the implementation of the project over two years. The lead agency in the selected country will be required to designate a local project manager who will work with the WIPO Secretariat in elaborating an outreach plan, which will be used during the first year of the project to identify design businesses that have potential for participating in the project with a view to protect their designs nationally and, if applicable, overseas. Each key stage of the project should include an agreement on a strategy and an implementation plan, as well as change management factors, risk analysis and mitigation.

During the course of the second year, the project will identify one or several design experts who will assist the selected businesses to formulate IP strategies and protection plans for relevant designs. The lead agency will assist the selected businesses in obtaining design protection and facilitate the promotion of the protected designs in relevant national and international business circles.

(b) Awareness Raising and Capacity Building:

The awareness raising objective will be notably achieved through documenting experiences obtained in the process of implementing this project and sharing experiences. This could for instance be achieved by way of a conference with the participating lead agency and selected design businesses at the conclusion of the project.

Based on the experience gained during the two-year duration of the project, the lead agency will be expected to continue its activities subsequent to the ending of the second year of the project.

Key factors for the project to achieve long-term impact, such as ensuring capacity building resources, will be included in the initial project framework.

3. REVIEW AND EVALUATION

3.1. Project Review Schedule

The progress of the project in participating countries will be reviewed for a first time after one year with a view to establish that an outreach plan was elaborated and put into practice and a number of potentially participating design businesses were identified.

Another review will take place at the end of the second year involving the designated lead agency, local project manager as well as participating design businesses with a view to evaluate the overall implementation of the project.

3.2. Project Self-Evaluation

<i>Project Outputs</i>	<i>Indicators of Successful Completion_(Output Indicators)</i>
Participating countries selected	(a) Two countries selected (decision based on selection criteria)
IPR design protection mechanism for design businesses developed at the country level	(a) National design protection strategy developed; (b) Designation of national project managers and national lead agency according to selection criteria; (c) Identification of national experts to assist, if necessary, in the development of individual design protection plans.
Outreach plan at the country level developed	(a) Outreach strategy in place and main actors identified. (b) One or several businesses per participating countries that produce original design identified (decision in accordance with selection criteria).
Design protection plan with businesses developed	(a) Design protection plan agreed with the business(es); (b) Number and relevance of designs per business that could be the object of a design protection strategy (selection with the support of national expert(s)).
Implementation of proactive design protection through appropriate protection mechanisms in domestic – and, where applicable – international markets.	(a) Number of applications for design registration initiated and/or filed and/or number of other relevant legal protection titles obtained;
Outreach to relevant national and international markets.	(a) Presence of participating businesses in national or international specialized trade fairs (plus outreach through other canals to be defined).

<u>Project Objective(s)</u>	<u>Indicator(s) of Success in Achieving Project Objective (Outcome Indicators)</u>
<p>To contribute to the business development of SMEs in participating countries by <i>encouraging investment in design through the strategic use of IPR</i>, in particular the proactive use of appropriate design protection mechanisms that were neglected so far.</p>	<p>(a) Number of protected designs (through registration or otherwise) per business <i>(to be measured sometime after the completion of the project)</i></p> <p>(b) Turnover of SMEs using design protection prior and after the project <i>(to be measured sometime after the completion of the project)</i></p> <p>(c) Level of satisfaction of participating businesses with the implementation of the design protection plan.</p>
<p><i>To improve the capacities of national design institutions, including IP Office, to encourage the strategic use of the IP system for design producing businesses thus leading to an increased use of available design protection mechanisms.</i></p>	<p>(a) Number and type of capacity building related activities for design businesses conducted by the national design institution;</p> <p>(b) Number and type of promotional activities conducted by the national design institution.</p>

5. PROJECT BUDGET (non-personnel)

	<i>(Swiss francs)</i>					
	<i>Travel and Fellowships</i>		<i>Contractual Services</i>			<i>Total</i>
<i>Activities</i>	<i>Staff Missions</i>	<i>Third-party Travel</i>	<i>Publishing</i>	<i>Individual Contractual Services</i>	<i>Other Contractual Services</i>	
Hiring a project manager & selecting two participating countries.	10.000					
Identification of lead agencies. Designating local project managers.						
Designing & implementing national outreach plans to identify participating design businesses			10.000	35.000		
Selection of design businesses to participate in the project				20.000		
Analysis of design portfolios of participating design businesses and formulating a strategy for acquiring IPRs		30.000		45.000		
Initiating and prosecuting applications for design registration/ design patent grants; formalizing alternative design protection strategies as appropriate.				50.000		

	<i>(Swiss francs)</i>					
	<i>Travel and Fellowships</i>		<i>Contractual Services</i>			<i>Total</i>
Review project progress for participating businesses and organizing a round-up event involving all project partners.	10.000			10.000		
Round-up event and planning the Project's extension to more design businesses to countries or Member States with potential for replicating the project.	10.000			10.000	10.000	
<i>Total</i>	30.000	30.000	10.000	170.000	10.000	250.000

PROJECT BUDGET (personnel resources)

	(Swiss Francs)		
	2014	2015	Total
One Short Term Professional at P2 - P3 level	118,500	118,500	237,000
<i>Total</i>	118,500	118,500	237,000

Project Budget by Cost Category and Year (non-personnel resources)

Cost Category	Budget (Swiss Francs)		
	2014	2015	Total
<i>Travel and Fellowships</i>			
Staff Missions	15,000	15,000	30,000
Third-party Travel	15,000	15,000	30,000
<i>Contractual Services</i>			
Publishing	5,000	5,000	10,000
Individual Contractual Services ^[1]	85,000	85,000	170,000
Other Contractual Services	5,000	5,000	10,000
<i>Total</i>	125,000	125,000	250,000

[End of Annex and of document]

^[1] 10,000 Swiss francs are earmarked for the independent evaluation at the end of the project.