

PRIORITY NEEDS FOR TECHNICAL AND FINANCIAL COOPERATION

Communication from Uganda

The following communication, dated 15 May 2008, is being circulated at the request of the Delegation of Uganda.

I. BACKGROUND

1. On 29 November 2005, the TRIPS Council extended the original TRIPS Article 66.1 transition period¹ for implementation of the TRIPS Agreement by LDCs from 1 January 2006 to 1 July 2013. That decision called for LDCs to provide the TRIPS Council, preferably before 1 January 2008, as much information as possible on their individual priority needs for technical and financial assistance for implementing the TRIPS Agreement. Under TRIPS Article 67, developed country WTO Members have an obligation to provide technical and financial assistance to Uganda and other developing countries for implementing the TRIPS Agreement.

2. Uganda, took the initiative to respond to the TRIPS Council decision of 29 December 2005 by making use of a diagnostic tool kit and consultancy support from a pilot project undertaken by the ICTSD and Saana Consulting in 2007, with financial support from the UK Department for International Development (DFID). With active participation from a wide range of stakeholders, the pilot project completed a comprehensive needs assessment and stakeholder consultation exercise in Uganda in mid 2007.² The report on the needs assessment and consultation exercise identified the problems, challenges and key issues related to implementation of the TRIPS Agreement as well as the long-term requirements for technical assistance and capacity building on the implementation of the objectives, principles, rights and obligations of the TRIPS Agreement for Uganda in four major areas:

- (a) IP policy, legal and regulatory framework;
- (b) promoting innovation, technology transfer, creativity and using IP for development;
- (c) IPR administration infrastructure; and

¹ The transition period applies to all TRIPS obligations with the exception of Articles 3, 4 and 5. The transition period does not affect a previous extension given to LDCs not to apply obligations under sections 5 and 7 of Part II of the TRIPS Agreement (patents and protection of undisclosed information) until the year 2016, which was granted by the Doha Declaration on the TRIPS Agreement and Public Health of 2001.

² A full technical and institutional appraisal is provided in the *"Technical & Financial Co-operation for Implementation of the WTO TRIPS Agreement in Uganda: Final Report of Needs Assessment Diagnostic"*, ICTSD-Saana Consulting, October 2007. Available online at: <http://www.iprsonline.org/ictsd/LDCneeds.htm>

- (d) enforcement and regulation regime for IPRs.

3. Based on this assessment, in October 2007, Uganda made a formal submission on its needs for technical and financial assistance to the TRIPS Council.³ With encouragement from the TRIPS Council Members, in March/April 2008, Uganda followed up the needs assessment work by translating this into a national capacity building programme referred to as the Uganda Trade and Intellectual Property (UTIP) programme.⁴ The work was undertaken over a two months period, in close collaboration with stakeholders and development partners to formulate a suite of priority technical assistance projects and activity clusters within an overall national capacity building programme on trade, IP and TRIPS for Uganda.

II. OBJECTIVES

4. The overall goal of the Uganda Trade and Intellectual Property (UTIP) programme is to further integrate Uganda into the global economy and world trading system by increasing the contribution of IP towards the achievement of sustainable economic growth and poverty reduction.

5. The specific purpose of the UTIP Programme is to upgrade the national system for IP generation, protection, administration and enforcement in Uganda in line with TRIPS and applicable regional and international IP agreements.

III. EXPECTED RESULTS FOR THE UTIP PROGRAMME

6. The main expected results from UTIP can be summarised as follows:

- (a) Improved legal context harmonized with objectives, principles, rights, obligations and flexibilities set out in the TRIPS Agreement, as well as other commitments to international and regional IP standards.
- (b) Modern, service-oriented, and accessible and automated administration services for IPRs available for enterprises, creators and inventors in Uganda.
- (c) Strengthened institutional framework and improved national IP coordination mechanism.
- (d) Increased awareness and use of IP as a tool for economic development and integration in Uganda.
- (e) Structured expansion of IP education, training and research institutions and programmes within a common national network.
- (f) Increased capacities for effective and efficient enforcement and regulation of IPRs amongst responsible agencies such as Uganda Revenue Authority, Uganda National Bureau of Standards, police, public prosecutors and judiciary in Uganda.

³ See WTO document IP/C/W/500, 9 October 2007.

⁴ This was done with the help of two independent experts from Saana consulting and with financial support from DFID. DFID also assisted with donor coordination and information sharing with potential development partners including WIPO, EC, USAID, DANIDA, USPTO, ICTSD, World Bank, the Swedish Patent Registration Office and the Danish Patent and Trademark Office.

IV. IMPLEMENTATION & MANAGEMENT ARRANGEMENTS

7. Addressing the identified problems, needs and challenges will be a long-term undertaking in Uganda and needs to be addressed in a comprehensive, gradual and sustainable manner. It is not a question of a "quick-fix" solution.

8. The UTIP Programme is an appropriate response and the split-phasing of the programme over six years (phase 1 September 2008 - December 2011), with a detailed, external mid-term review, which will allow for genuine capacity development in Uganda's national IP system and legal, regulatory and administrative institutional infrastructure.

9. To achieve the expected results and objectives, the UTIP programme will support a number of activities under four main, inter-linked activity clusters:

- (a) Cluster 1 – Updating the National IP Policy, Legal & Regulatory Framework.
- (b) Cluster 2 – Using IP for Business, Creativity, Innovation & Technology Transfer.
- (c) Cluster 3 – Modernizing IPR Administration.
- (d) Cluster 4 – Strengthening Enforcement and Pro-Competitive Regulation of IPRs.

10. The UTIP programme implementation will be supported and co-ordinated by a small management team based in the Ministry of Tourism, Trade and Industry (MTTI), assisted by an International IP Capacity Building Adviser. The Ministry will provide administrative support and services to the team and a UTIP Programme Focal Point will be designated in the MTTI. The team will work in close co-operation with Development Partners and a network of designated contact points in each of the participating institutions. It will be responsible for successful specification, management and coordination of all programme activities, financial management, procurement, work planning and reporting.

11. Development Partners, including potentially multilateral organizations and WTO Members (national IP offices, development agencies, innovation, technology research institutes, and education organizations), will be requested to provide experts for specific UTIP programme activities. The project implementing team will use financial support from development Partners to procure consultancy services from international and national experts and academics in the fields of IP law, economics, administration, education and training, enforcement, and management.

12. A steering committee⁵, comprising representatives from all concerned government agencies, the private sector, civil society and development partners will oversee the overall direction of the programme.

V. TIMEFRAME

13. The total timeframe of the UTIP programme Phase I will be 40 months. The programme will commence with a start-up period in September 2008 and the first full year of implementation will be from 1 January to 31 December 2009 (Year 1).

⁵ UTIP Programme Steering & Advisory Committee.

14. An in-depth external review of the UTIP programme and detailed design and costing of Phase II will be undertaken over a two-week period in Uganda during month 30 of Phase I. Dependent on the outcome of the external review and detailed design, Phase II of the UTIP programme is expected to be implemented over a 36 month period, commencing 1 January 2012.

VI. CONCLUSION

15. Uganda has formulated an IP development programme that identifies the specific intervention areas that require technical and financial assistance. In this regard, Uganda welcomes multilateral agencies and WTO Members to provide support towards the implementation of this programme.
