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**Council for Trade-Related Aspects of Intellectual
Property Rights**

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PRIORITY NEEDS FOR TECHNICAL AND FINANCIAL COOPERATION

COMMUNICATION FROM TOGO

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 provided to the Secretariat by the delegation of Togo in a communication dated 7 October 2013.

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LIST OF ABBREVIATIONS

TRIPS	Trade-Related Aspects of Intellectual Property Rights
BUTODRA	Togolese Copyright Bureau
CATI	Technology and Innovation Support Centre
CCIT	Chamber of Commerce and Industry of Togo
CNPI	National Intellectual Property Council
CRM	Regional Chambers of Trades
IPR	Intellectual property rights
DRS	Scientific Research Directorate
GI	Geographical indications
INPIT	National Institute for Industrial Property and Technology
ITRA	Togolese Institute of Agronomic Research
MAC	Ministry of Arts and Culture
MCPS	Ministry of Trade and Private Sector Promotion
MIZFIT	Ministry of Industry, the Free Zone and Technological Innovations
OAPI	African Intellectual Property Organization
WTO	World Trade Organization
WIPO	World Intellectual Property Organization
WDA	WIPO Development Agenda
IP	Intellectual property
LDC	Least developed countries
SME	Small and medium-sized enterprise
SMI	Small and medium-sized industry
PDSPI	Intellectual Property System Development Plan

INTRODUCTION

1. The WTO 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. This transition period has once again been extended until 1 July 2021.¹ 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 those 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 Decision of 29 November 2005 called upon LDC Members, including Togo, to provide to the TRIPS Council, 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. In his most recent annual report, the Chairman of the Council for TRIPS urged those LDC Members that had not yet provided information to the Council on their respective priority needs for technical and financial cooperation to do so in accordance with paragraph 2 of the Decision.²

3. Within the framework of the 2012-2013 WTO biennial technical assistance plan, the WTO, in cooperation with the Togolese Government, organized a national workshop on the TRIPS Agreement which was held in Lomé on the 21 and 22 May 2013. One of the aims of this workshop was to provide Togolese officials with support and advice in identifying Togo's priority needs to be communicated to the TRIPS Council.

4. In accordance with the recommendations set forth in the WIPO Development Agenda (WDA) of the WIPO General Assembly of September 2007, WIPO, in collaboration with the Togolese government, conducted a national survey on the use of intellectual property (IP) from 20 to 29 June 2011, which was followed by a national forum on IP and economic,

¹ WTO document IP/C/64 of 11 June 2013.

² WTO document IP/C/62 of 26 November 2012.

social and cultural development on 30 June and 1 July 2011. After this forum, work began on preparing Togo's IP System Development Plan (PDSPI).

1 OVERVIEW OF THE LEGISLATIVE AND REGULATORY FRAMEWORK OF THE INTELLECTUAL PROPERTY SYSTEM

1.1 Legal and institutional framework

1.1.1 The legislative and regulatory framework in Togo

5. The legislative and regulatory framework in force in Togo is based on national, regional and international instruments, most notably the 1999 Bangui Agreement and OAPI regulations and administrative instructions. These instruments are consistent with the Paris Convention for the Protection of Industrial Property of 20 March 1883, the Berne Convention for the Protection of Literary and Artistic Works of 1886, the Convention Establishing the World Intellectual Property Organization, the Marrakesh Agreement Establishing the World Trade Organization and, in particular, the TRIPS Agreement.

1.1.2 Administration of intellectual property rights at national level

6. The administration of intellectual property rights (IPRs) falls mainly to the following three bodies:

- the National Institute for Industrial Property and Technology (INPIT), established under Law No. 2001-015 of 29 November 2001, which is responsible for industrial property issues;
- the Togolese Copyright Bureau (BUTODRA), established under Article 73 of Law No. 91-12 of 10 June 1991 on the protection of copyright, folklore and related rights, which is responsible for copyright issues; and
- the National Intellectual Property Council (CNPI), established under Decree No. 2001-131/PR of 22 May 2001, which is an advisory body that supports the actions of INPIT and BUTODRA.

1.1.3 Creativity, innovation and technology transfer in Togo

7. The ingenuity of endogenous creative capacity increasingly permits the use of local resources to develop inventions that meet relevant needs.

8. Despite these creative efforts by individuals and by the public sector, which plays a dominant role in research initiatives, the country's industrial sector remains under-developed, mainly due to the absence of appropriate R&D facilities. As a result, most of the technologies used in the country are imported and the transfer of technology is extremely limited.

1.2 Recent intellectual property developments in Togo

9. In the area of IP management, there have been a number of developments in the past three years. Within the framework of the identification of Togo's priority needs with a view to the implementation of the TRIPS Agreement, these developments constitute an achievement on which it is important to capitalize.

1.2.1 Revision of the current Bangui Agreement

10. The Bangui Agreement of 24 February 1999 entered into force on 28 February 2002. Its implementation has brought to light certain shortcomings, including the poorly regulated issue of IPR exhaustion, the absence of regulations on technology transfer and the means by which States can enjoy this transfer, and the absence of provisions enabling Member States to benefit from the flexibilities provided by international texts.

11. To resolve these shortcomings, OAPI and its Member States, including Togo, began revising the Agreement in 2011 with a view to:

- adjusting the measures contained in domestic provisions so as to ensure they do not stand in the way of the flexibilities offered by the multilateral system, such as those relating to access to medicines and technological development, which are provided for most notably in the Doha Declaration, the WTO Decision of 30 August 2003 and the Protocol Amending the TRIPS Agreement;
- reducing distortions and impediments to international trade, taking into account the need to promote the effective and adequate protection of IPRs;
- simplifying procedures for issuing titles in relation to the Patent Law Treaty and the Singapore Treaty on the Law of Trademarks; and
- integrating special requirements related to border measures, as well as provisions against anti-competitive practices that hinder the transfer and dissemination of technology.

1.2.2 Creation of the Technology and Innovation Support Centre (CATI) in Togo

12. CATI was established following a recommendation made at a national workshop on innovation promotion held in Lomé on 4 May 2011. This workshop was organized by WIPO in cooperation with the Togolese government within the framework of WIPO's technical assistance programme. The convention establishing CATI was signed by Togo and WIPO on 3 October 2011.

13. CATI was established for the following reasons:

- to enable users to benefit effectively from the increased access provided by Internet search facilities (in particular through the use of search tools such as key words, truncation and classification, etc.) and to provide them with direct personal (face-to-face) assistance in this task;
- to strengthen the local technological base (by making the most of local know-how) and develop technology transfer, e.g. by studying the possibility of licensing, joint ventures, etc.; and
- to help local users create, protect, retain and manage their IPRs.

1.2.3 Preparation of the Intellectual Property System Development Plan (PDSPI) in Togo

14. The PDSPI, which Togo is currently devising thanks to technical and financial support provided by WIPO, demonstrates the Togolese government's desire to turn its IP system into a powerful development tool. The Plan forms part of Togo's vision for 2030, which is to ensure the country's status as an emerging economy. Togo's Strategy for Accelerated Growth and Employment Promotion (SCAPE) for 2013-2017 also plays an important role in this vision.

15. The PDSPI's main objective is to promote the protection and effective use of the IP system in Togo's economic, social and cultural development activities. Accordingly, it has been conceived with a view to ensuring the use of the IP system to improve the competitive position of Togolese products and services on national, regional and international markets, and to promote, disseminate and optimize research results.

16. Action within the framework of the implementation of the PDSPI is aimed at:

- enhancing capacity and technical facilities in respect of IP administration;
- making commercial operators, scientists, researchers, artists, creators and officials more aware of the use of the IP system;
- enhancing the technical capacities of SMEs and SMIs through the improved use of the IP system;
- promoting innovation and the optimization of research results;
- promoting IP training in universities, colleges and vocational training centres;
- enhancing the capacities of farmers and craftsmen in respect of the strategic use of IP; and

- taking measures to combat the piracy of literary and artistic works and copyright infringement.

2 TOGO'S PRIORITY NEEDS FOR TECHNICAL AND FINANCIAL COOPERATION WITHIN THE FRAMEWORK OF THE IMPLEMENTATION OF THE TRIPS AGREEMENT

2.1 Modernization and strengthening of the capacities of services responsible for intellectual property administration

17. IP administration must keep pace with the changes taking place internationally, including the development of technology to meet IP user needs. This also applies to LDCs like Togo when it comes to implementing the TRIPS Agreement.

18. The aim of modernizing IP administration is to reinforce the respective roles of INPIT, CATI and BUTODRA so that they can contribute, through their actions, to the development of the economic, social, scientific and technological situation in Togo and meet the expectations of IP system users. Such modernization may therefore help to enhance their role as IP service providers, including by raising the awareness of the population and economic operators.

19. Accordingly, with a view to improving its IP administration Togo has identified the following priority needs:

- creation of a national committee responsible for the implementation of the TRIPS Agreement;
- development of this committee's capacities with a view to enabling Togo's active participation in future international meetings concerning the TRIPS Agreement, action against counterfeiting and new issues such as the protection of traditional knowledge and genetic resources;
- provision of IT materials and equipment for INPIT, CATI and BUTODRA, i.e. PCs and laptops, reproduction and computer graphics equipment (printers, scanners, photocopiers, video projectors, etc.) and computer network equipment (servers, switches, routers, etc.);
- installation of a local area network (LAN) with Internet access at INPIT;
- digitization of archives at both institutions;
- IP capacity-building for staff at both institutions;
- construction of open-air infrastructure to promote folk dancing near cultural sites; and
- creation of and provision of equipment for a traditional knowledge museum that will promote handicrafts and tourism.

2.2 Promotion of the strategic use of intellectual property for development purposes through the fostering of innovation, research, creativity and the transfer of technology

20. The IP system is a powerful growth engine for enterprises, whether industrial, agricultural or artisanal. This is why research centres and enterprises are encouraged to build their IP capacities and create their own IP management structures. In this light, information, awareness-raising and the promotion of IP research results constitute basic tools for the implementation of the TRIPS Agreement. However, the efforts made thus far have not yielded any convincing results. In fact, information and awareness-raising via radio, television and the press only reaches a very small part of the target population. It is therefore necessary to contact the relevant groups or associations of operators and research centres directly.

21. Moreover, a considerable effort needs to be made to develop appropriate technologies adapted to local specificities, capacities and conditions. Such technologies must first and foremost target the critical sectors of the local economy, in particular agrifood production, the processing of local products, and the conservation and improvement of resources such as water, forests and energy.

22. As regards the handicrafts sector, the surrounding environment (institutions to contact, financial partners, suppliers of raw materials, media, etc.) needs to be better understood and strengthened so as to ensure that marketing and distribution take place through formal channels. In response to these problems, the following actions are envisaged:

- training for SMEs/SMIs on the protection and strategic use of information contained in patent documents (e.g. OAPI services, online research, patent scope);
- creation and training of IP focal points in SME/SMI support structures;
- strengthening and optimization of technological development assistance structures and mechanisms;
- identification of the key technologies requiring priority (energy, climate change, etc.) and organization of groups tasked with acquiring command of these technologies;
- provision of IP support to regional chambers of trades, chambers of commerce and industry and chambers of agriculture with a view to encouraging them to promote innovation and creativity and speed up the registration of patents with OAPI;
- capacity-building for staff at the arbitration and mediation centre of the Chamber of Commerce and Industry of Togo (CCIT) in respect of both national and international IP procedures;
- improvement of information and awareness-raising for micro, small and medium-sized enterprises (MSMEs) in the area of IP;
- capacity-building for craftsmen;
- promotion of invention and optimization of inventions via the creation of a project to support inventors and innovative SMEs/SMIs in the development of their inventions/innovations and in the technical and commercial aspects thereof;
- launch of awareness-raising campaigns led by IP experts and regular information bulletins. Awareness-raising activities will be undertaken in cooperation with the national media, OAPI, WIPO, and other interested parties;
- preparation and implementation of the project "Intellectual Property and Design Creation for Business Development in Togo", as proposed in document CDIP/11/7 of 10 April 2013 by the Permanent Mission of the Republic of Korea at the eleventh session of the Committee on Development and Intellectual Property (CDIP) held on 13-17 May 2013 in Geneva, Switzerland;
- support to assist research centres and universities in the publication and dissemination of the results of technological research;
- improvement of access to national and international databases;
- capacity-building for researchers in the area of technology transfer;
- upgrading of laboratories and research centres; and
- operational capacity-building for the government department in charge of handicrafts.

2.3 Action to combat intellectual property right violations

23. Despite being a matter of concern for all IP system actors, no coherent actions or activities have yet been organized to combat piracy and counterfeiting. Activities in this area suffer from a lack of synergy on the part of all the key actors concerned.

24. With regard to counterfeiting, the implementation of effective right enforcement strategies and measures to combat violations ensures that such rights are more effectively safeguarded. Measures taken to combat violations are increasing thanks to collaboration between customs, law enforcement and industrial property services. However, these achievements must be consolidated and even improved. The absence of effective action erodes investors' confidence in the national economy and reduces the opportunities that local creators and innovators have to effectively exploit their rights.

25. Regarding the creation of literary and artistic works, creative industries (music, performances, films, television and radio broadcasts, visual arts, advertising, designs, publishing, etc.) are becoming increasingly important in society and national economies. They foster creativity, help promote cultural identity and are a source of job creation and economic growth in general.

26. Much effort needs to be made by developing countries and LDCs, including Togo, to offer incentives that attract investment towards these industries for growth purposes. A shortfall often noted in Africa, and Togo in particular, is the lack of statistical data for quantifying the impact that these industries have on national economies and for assessing their ability to foster social, cultural and economic growth.

27. Since 2003, WIPO has been implementing projects in various parts of the world to assess the economic contribution made by creative industries. It has published the *Guide on Surveying the Economic Contribution of the Copyright-Based Industries*, which has served as a starting point for studies on this subject in a number of countries, notably Canada, Singapore, Finland and the United States.

28. WIPO is currently supporting studies of this type in many countries. Togo's needs in this area include the following:

- a study on the contribution that copyright and cultural industries make to the Togolese national economy;
- training sessions for the staff of bodies responsible for enforcing rights, in particular the judiciary (magistrates, bailiffs, lawyers), police, customs and the gendarmerie;
- equipment enabling customs services to detect counterfeit and pirated products;
- training programmes on collection, distribution, the drafting of contracts, and the use of appropriate software for collective management;
- creation of a national programme for the implementation of a levy on private copying and reprographic reproduction; and
- annual organization of information and awareness-raising activities or campaigns on the adverse effects of piracy and the need for action at national level involving all the actors in the copyright and related rights sector in Togo.

SUMMARY TABLE OF TOGO'S PRIORITY NEEDS

Strategic objectives	Needs for technical and financial assistance	Main activities	Main national bodies concerned
Modernize and build the capacities of services responsible for IP administration.	<ul style="list-style-type: none"> • Technical capacity-building for industrial property administration. • Upgrading of technical equipment. 	<ul style="list-style-type: none"> - Creation of a national committee responsible for the implementation of the TRIPS Agreement. - Provision of IT materials and equipment, i.e. PCs, laptops and reproduction and computer graphics equipment (printers, scanners, photocopiers, video projectors, etc.) for INPIT, CATI and BUTODRA. - Computer network equipment (servers, switches, routers, etc.) for INPIT and BUTODRA. - Installation of a local area network (LAN) with Internet access at INPIT. - Digitization of archives at both institutions. - Capacity-building for staff at INPIT and BUTODRA, and design and implementation of training programmes. - Construction of open-air infrastructure to promote folk dancing near cultural sites. 	<ul style="list-style-type: none"> • MCPSP • DRE • MIZFIT • MAC • INPIT • BUTODRA • CNPI • CATI • Other public and private bodies, associations, and civil society actors.
Promote the strategic use of IP for development purposes by fostering innovation, research, creativity and technology transfer.	<ul style="list-style-type: none"> • IP system awareness-raising for economic operators, scientists, researchers, artists, creators and officials. • Technical capacity-building for industries and SMEs with a view to the strategic use of IP. • Promotion of innovation and the optimization of inventions and research results. 	<ul style="list-style-type: none"> - Training for SMEs/SMIs on the protection and strategic use of information contained in patent documents (e.g. OAPI services, online research, patent scope). - Creation and training of IP focal points in SME/SMI support structures. - Strengthening and optimization of technological development assistance structures and mechanisms. - Identification of the key technologies requiring priority (energy, climate change, etc.) and organization of groups tasked with acquiring command of these technologies. - Provision of IP support to regional chambers of trades, chambers of commerce and industry and chambers of agriculture, with a view to encouraging them to promote innovation and creativity and speed up the registration of patents with OAPI. - Capacity-building for staff at the arbitration and mediation centre of the Chamber of Commerce and Industry of Togo (CCIT) in respect of both national and international IP procedures. - Improvement of information and awareness-raising for micro, small and medium-sized enterprises (MSMEs) in the area of IP. - Capacity-building for craftsmen. - Promotion of invention and optimization of inventions via the creation of a project to support inventors and innovative SMEs/SMIs in the development of their inventions/innovations and in the technical and commercial aspects thereof. 	<ul style="list-style-type: none"> • MCPSP • DRS • MIZFIT • MAC • INPIT • BUTODRA • CNPI • SMEs/SMIs • Universities of Togo • ITRA • Inventors of Togo. • Companies in the free zone and customs territory.

Strategic objectives	Needs for technical and financial assistance	Main activities	Main national bodies concerned
	<ul style="list-style-type: none"> IP training in universities, colleges and vocational training centres. 	<ul style="list-style-type: none"> The launch of awareness-raising campaigns led by IP experts and regular information bulletins. Awareness-raising activities will be undertaken in cooperation with the national media, OAPI, WIPO, and other interested parties. The preparation and implementation of the project "Intellectual Property and Design Creation for Business Development in Togo", as proposed in document CDIP/11/7 of 10 April 2013 by the Permanent Mission of the Republic of Korea at the eleventh session of the Committee on Development and Intellectual Property (CDIP) held on 13-17 May 2013 in Geneva, Switzerland. Support to assist research centres and universities in the publication and dissemination of the results of technological research. Improvement of access to national and international databases. Capacity-building for researchers in the area of technology transfer. Upgrading of laboratories and research centres. Operational capacity-building for the government department in charge of handicrafts. IP training for teaching staff at Togolese universities. 	
Combat IPR violations.	<ul style="list-style-type: none"> Capacity-building for the control and identification of counterfeit products. Capacity-building for the control and identification of pirated works. Capacity-building for IPR enforcement. 	<ul style="list-style-type: none"> Study on the contribution that copyright and cultural industries make to the Togolese national economy. Training sessions for the staff of bodies responsible for enforcing rights, in particular the judiciary (magistrates, bailiffs, lawyers), police, customs and the gendarmerie. Equipment enabling customs services to detect counterfeit and pirated products. Organization of training programmes on collection, distribution, the drafting of contracts, and the use of appropriate software for collective management. Creation of a national programme for the implementation of a levy on private copying and reprographic reproduction. Annual organization, in collaboration with the national media, of information and awareness-raising activities or campaigns on the adverse effects of piracy and the need for action at national level involving all the actors in the copyright and related rights sector in Togo. Facilitation of participation in international and regional meetings organized by the WTO and WIPO. Introduction of common procedures to combat piracy and counterfeiting in the region (WAEMU, ECOWAS, Central Africa). 	<ul style="list-style-type: none"> MCPSP DRE MIZFIT MAC INPIT BUTODRA CNPI SMEs/SMIs Universities of Togo ITRA Inventors of Togo. Companies in the free zone and customs territory. Customs, police and gendarmerie. Magistrates, bailiffs and lawyers.

CONCLUSION AND OUTLOOK

29. The present document identifies Togo's needs with a view to the implementation of the TRIPS Agreement. Before evaluating these needs, which relate to modernizing IPR administration, promoting the use of IP for development purposes, and introducing measures to combat IPR violations, the document examines the legislative and regulatory framework of the IP system in Togo. It has been drafted on the basis of discussions held and suggestions made during national consultations and at working sessions attended by representatives of institutions responsible for IP issues and trade.

30. This evaluation is taking place as Togo prepares the PDSPI, a document which looks at the means likely to be used by our country to exploit IP assets for the purposes of economic, social and cultural development. The PDSPI also covers the specific IP measures to be taken by Togo and its partners for this purpose, and the manner in which they are to be reinforced over the next three years. It also establishes a framework for cooperation with WIPO, which will enable the State of Togo to benefit from an environment favourable to the development of IP, and constitutes a relatively exhaustive list of Togo's IP needs.

31. Aware of the long list of needs set out in the PDSPI, Togo has shortened this list so as to focus on those needs which are most pressing. However, needs other than those expressed within the context of the present document cannot be overlooked if Togo is to be given proper assistance to make IP a real tool for economic, social and cultural development. In this light, it falls to Togo to take account of the needs thus identified when updating its diagnostic trade integration study (DTIS) and action matrix, so that funding can be obtained through broader initiatives for LDC support.

32. Such initiatives most notably include Aid-for-Trade and the Enhanced Integrated Framework (EIF), which afford opportunities to strengthen and coordinate efforts made to meet the individual priority needs identified by LDCs in the area of IP.

33. Togo has thus identified the immediate needs and priorities for which it seeks technical and financial assistance in respect of TRIPS Agreement implementation. Togo awaits with keen interest such aid as the multilateral institutions and WTO Members might provide for implementing the actions identified.
