



LDC Needs Assessment under TRIPS: The ICTSD Experience (2007-2011)

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Background

- According to the Decision of the TRIPS Council of 29 November 2005,

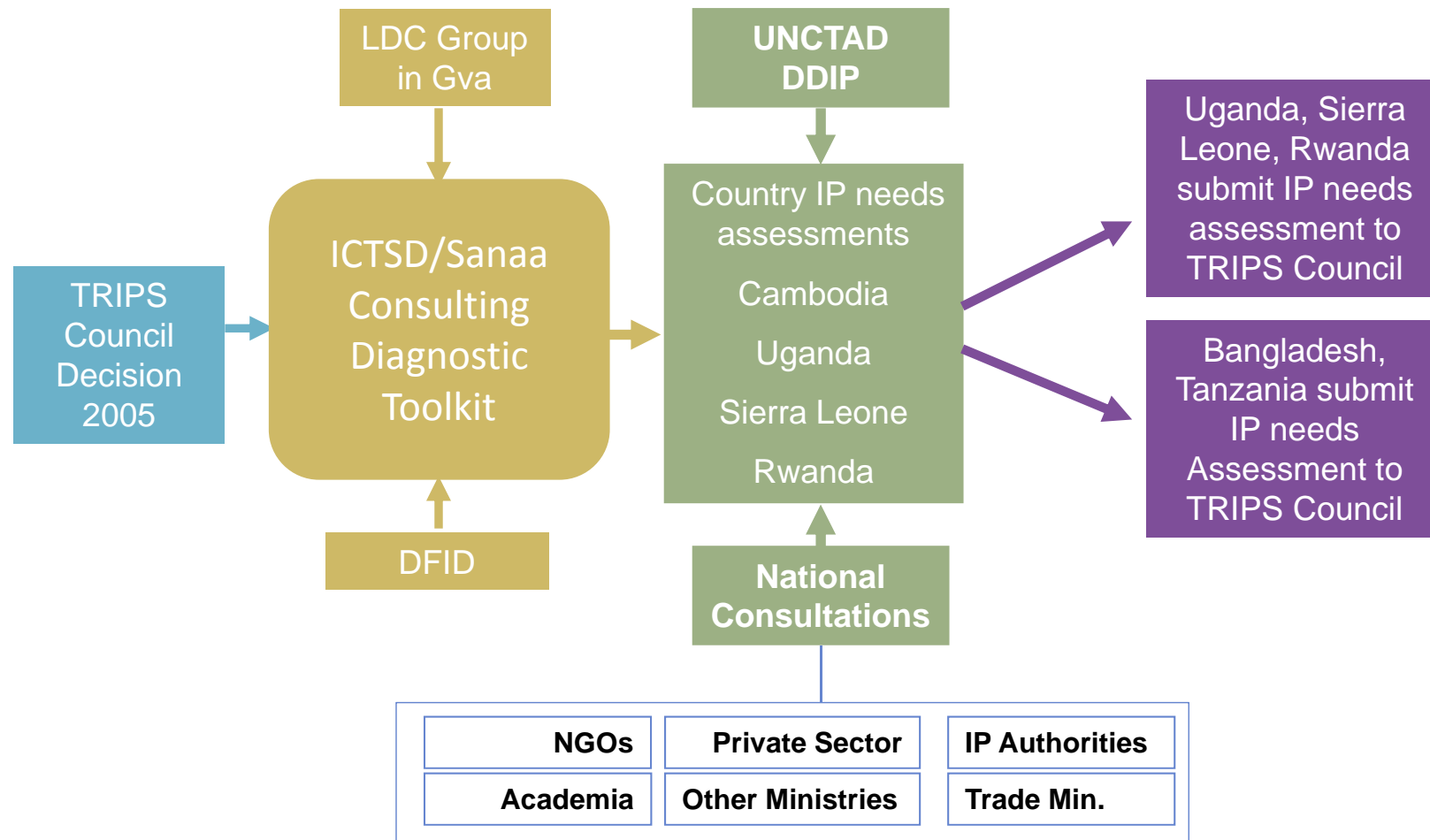
LDCs are asked to:

“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”

Needs Assessments: objectives /countries

- **Diagnostic Toolkit** developed by ICTSD and Sanaa Consulting in 2007 after consultations with LDCs group in Geneva.
- **Objectives:** identify IP technical and financial cooperation needs of LDCs in perspective of TRIPS implementation.
- **Structure of Toolkit:** checklist of questions addressing legal and policy framework; IPRs administration; IPRs enforcement; promoting technology transfer and innovation.
- **Application:**
 - Sierra Leone and Uganda in 2007; TRIPS Council submissions by the two countries in 2007 with follow-up submissions in 2008.
 - Rwanda in 2009 with TRIPS submission in June 2010.
 - Cambodia in 2011.

Assessing LDCs technical needs assistance in the areas of IP



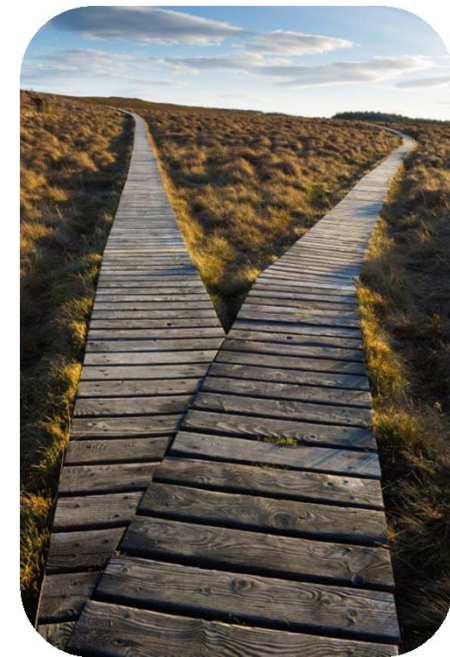
Factors for Success

- A participatory and open process
- A replicable yet adaptable methodology
- National ownership of process and outcomes



Challenges

- **Limited capabilities**
- **The lack of sufficient articulation between IP laws, development objectives and technical assistance needs**
- **Institutional fragmentation in dealing with IP**
- **Challenges in follow-up and donor mobilization**
- **Integration into the EIF and AfT**



Results Achieved

- **Submission of needs assessments reports to WTO TRIPS Council**
- **Facilitation of follow-up technical assistance**
- **Follow-up implementation and resource mobilization**



Key Lessons(1)

- Toolkit a “living document”: methodologies which are replicable but also flexible in accommodating different national and socio-economic circumstances.
- Necessity of a ‘built in’ implementation road map for the needs assessments reports.
- National focal point plays a key role in ensuring effective national coordination and ownership.
- Similarity of needs across different LDCs: human resource training; raising awareness; institutional strengthening.

Key Lessons (2)

- **Importance of a better integration and identification of IPRs related capacity building needs into EIF and AfT for ensuring donor support and resource mobilization.**
- **Positive synergies from the simultaneous elaboration of IP strategies/DDIP and needs assessment (Rwanda).**
- **Emphasis by LDCs that transitional period not only for ensuring TRIPS compliance but also to promote innovation and the building of local technological capacities.**
- **Importance of a strong commitment from donors and development partners to respond adequately to the needs identified by LDCs.**

For further reference:

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***LDC Needs Assessment under TRIPS:
The ICTSD Experience (2007-2011)***

Available at:

<http://ictsd.org/i/publications/106433/>

Thank you!

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