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EVALUATION REPORT OF THE SMART IP INSTITUTIONS PROJECT (RECOMMENDATION 10)

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1. The Annex to this document contains an external independent evaluation report of the Smart IP Institutions Project (CDIP/3/INF/2) undertaken by Professor Tom P. M. Ogada, T&P Innovation and Technology Management Service, Nairobi and Mr. Glenn O'Neil, Founder, Owl RE, Wise Research and Evaluation, Geneva.

2. *The CDIP is invited to take note of the information contained in the Annex to this document.*

[Annex follows]

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LIST OF ACCRONYMS USED

ARIPO	African Region Intellectual Property Organization
CDIP	Committee on Development and Intellectual Property
DA	Development Agenda
ICT	Information and Communication Technology
IMD	Infrastructure Modernization Division
IP	Intellectual Property
IPAS	Industrial Property Automation System
IPOs	Intellectual Property Offices (national)
LAS	League of Arab States
LDCs	Least Developed Countries
OAPI	Organisation Africaine de la Propriété Intellectuelle
WIPO	World Intellectual Property Organization

EXECUTIVE SUMMARY

1. This report is an independent evaluation of the Development Agenda Project related to WIPO Development Agenda Recommendations 10: “To assist Member States to develop and improve national IP institutional capacity through further development of infrastructure and other facilities with a view to making IP institutions more efficient and promote a fair balance between IP protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with IP.” The project was approved during the third session of the Committee on Development and Intellectual Property (CDIP), held in Geneva, in April 2009. The project implementation started in May 2009 and was completed in April 2012. The project consisted of four components – ARIPO; OAPI, LDC components as well as regional workshops.

2. The aim of the evaluation was to learn from experiences during project implementation. This included assessing the project management and design including monitoring and reporting tools, as well as measuring and reporting on the results achieved to date and assessing the likelihood of sustainability. The evaluation utilized a combination of methods including a document review, interviews with five staff at WIPO Secretariat and feedback from national and regional IP Offices (IPOs).

KEY FINDINGS

A. PROJECT DESIGN AND MANAGEMENT

3. *Finding 1:* The project document was assessed as being sufficient for launching of the four components of the project. In all cases, needs assessments were undertaken; equipment was purchased, installed, tested and commissioned; and staff was trained. However, the evaluation noted some few shortcomings and/or challenges.

4. *Finding 2:* The project monitoring and controlling tools were appropriate for reporting to Member States at the CDIP (progress reports and mid-term evaluations). However, they were not used for reporting to other key stakeholders, including internal management and the beneficiaries of the projects. They were also not sufficient for the project team, who introduced status reports for each project to be able to follow more precisely the advancement towards the targeted goals. The reporting tools were not adequate and useful in providing information on the general progress for all the four components of the project.

5. *Finding 3:* Due to the technical nature of the assistance provided, which required expertise that is only available in Infrastructure Modernization Division (IMD), collaboration with other entities within the secretariat was limited. Whereas the regional bureaus could assist in facilitating communication with the offices, this was not necessary as direct communication took place with the project team.

6. *Finding 4:* Most of the risks that were envisaged during the implementation of the project did not occur or were minimized through incorporation of lessons learned from other projects. Furthermore, the project hired a regional consultant to build more technical capacity and respond more effectively to the requests for support for increased ownership of the projects. Finally, through workshops, the technical training of focal points in the relevant IPOs was enhanced. Notwithstanding, some challenges emerged during the implementation of the project.

7. *Finding 5:* The project responded well to emerging technologies and other external forces. The ARIPO Data Exchange project component had to respond to both the high demand

for the project and factors within IPOs that impacted on the project's success. For the high demand, the IMD increased the number of IPOs linked to ARIPO from 2 to 5 but could not respond to the addition requests from three Member States within the given budget. Factors within IPOs that were external to the project were identified as management commitment and support for the project that varied from country to country and impacted on its success and sustainability, according to WIPO staff.

B. EFFECTIVENESS

8. *Finding 6:* The project was effective and useful in increasing the capacity for efficient reception of IP applications and providing faster and efficient data communication and online access to central IP databases for the ARIPO component but not in the case of OAPI.

9. *Finding 7:* The project has been effective in eliminating and minimizing manual paper intensive procedures both in the case of ARIPO-Member States Data Exchange project and the IPAS project for the LDC.

10. *Finding 8:* The project was useful in facilitating the sharing of knowledge, experiences, lessons learned and collaboration on automation projects amongst countries. This was achieved through the following three training workshops, which were organized within the project.

C. EFFICIENCY

11. *Finding 9:* The project was implemented in a cost efficient manner in terms of - use of experts, procurement, outsourcing cost sharing, etc.

D. SUSTAINABILITY

12. *Finding 10:* The potential for sustainability of the ARIPO, LDC and workshop components of the project is high whereas that of OAPI project is poor.

E. IMPLEMENTATION OF DEVELOPMENT AGENDA (DA) RECOMMENDATIONS

13. *Finding 11:* This evaluation has found that this recommendation has been implemented throughout the project. Offices were equipped with new IT business systems, new IT equipment to support the projects and staff was trained on new business systems and methods. It is more difficult to evaluate the extent to which the offices are more efficient as a direct result of the project activities.

CONCLUSIONS AND RECOMMENDATIONS

14. *Conclusion 1 (Ref: findings 1-4)*. The project document, as was designed, together with improvements so far undertaken by the project team, will need further modification to be appropriate for use as a guide for the implementation of projects of this nature in future.
15. *Conclusion 2 (Ref: Findings 6 and 7)*. It has been proven that the project has the potential to – increase the capacity of the IPOs for efficient reception of IP applications and provide faster and efficient data communication between regional offices and the IPOs; eliminate and minimize manual paper intensive procedures; and facilitating the sharing of knowledge, experiences, lessons learned and collaboration on automation projects amongst other. However, the non-completion of the deployment of the ICT system in OAPI and the slow speed of the implementation of the project in Bhutan has negatively impacted on the project.
16. *Conclusion 3 (Ref: Finding 8)*. The workshops were important in providing a forum for exchange of information, knowledge and experiences. Participants from the three workshops recommended the conversion of these workshops into an annual event.
17. *Conclusion 4 (Ref: Finding 9)*. The project showed an exemplary example of tapping on synergy to implement project cost-effectively. It was laudable that the project team and beneficiaries utilized other external funding to deliver some of the project activities.
18. *Conclusion 5 (Ref: Finding 10)*. First, it is too early to conclude that the measures the host countries have put in place for the data exchange and the IPAS components will actually be implemented and deliver the resources for sustainability. Secondly, this evaluation could not ascertain the sustainability of the OAPI component, because it was incomplete.
19. *Recommendation 1 (Ref: Conclusion 1, Findings 1-4)*. It is recommended that the WIPO Secretariat to modify the project document, for use in implementation of projects of this nature in the future.
20. *Recommendation 2 (Ref: Conclusion 2-3, Findings 6-7)*. It is recommended that the WIPO Secretariat agree to complete the delivery of the project as was articulated in the project document by mainstreaming activities within the regular budget. Specifically to - strengthen the ARIPO project in the five countries and extend to other Member States; find resources and complete the deployment process of the ICT system in OAPI to enable data exchange with the two Member States (Senegal and Gabon); and to consider making training workshop for sharing experiences and lessons learned, an annual event in the region.
21. *Recommendation 3 (Ref: Conclusion 4, Finding 9)*. It is recommended that WIPO Secretariat to build concept of cost sharing in its implementation and delivery strategy of the project in future.
22. *Recommendation 4 (Ref: Conclusion 5, Finding 10)*. It is recommended that the WIPO Secretariat and IPOs ensure sustainability of the project through providing the necessary resources needed for project completion and continuity.

INTRODUCTION

23. This report is an independent evaluation of the Development Agenda Project related to WIPO Development Agenda Recommendation 10: *To assist Member States to develop and improve national IP institutional capacity through further development of infrastructure and other facilities with a view to making IP institutions more efficient and promote a fair balance between IP protection and the public interest. This technical assistance should also be extended to sub-regional and regional organizations dealing with IP.* The project was approved during the third session of the Committee on Development and Intellectual Property (CDIP), held in Geneva, in April 2009. The project implementation started in May 2009 and was completed in April 2012. The project consisted of four components that are briefly described below.

24. The first component involved deploying an information and communication technology (ICT) infrastructure and customized e-communication system for Organisation Africaine de la Propriété Intellectuelle (OAPI) and two of its selected member countries to enable them to electronically manage, access and exchange IP information amongst themselves and internationally. The project was to be developed in compliance with the elements of the global IP infrastructure such as WIPO standards, classifications, databases, automation solutions and services. The project's experience and deliverables could then be later re-utilized, as appropriate, to benefit the other 14 member countries of OAPI.

25. The second component involved a project, similar to that of OAPI mentioned in (24) above, was to be undertaken for the African Regional Intellectual Property Organization (ARIPO), and two of its selected member countries, to enable them also to electronically manage, access and exchange IP information amongst themselves and internationally. The two countries were to be selected in consultation with ARIPO.

26. The third component was a project to deploy comprehensive customized automation solutions in three LDC IP Offices (IPOs) across regions. This project was to include those components that are normally not covered by WIPO's regular programs, i.e. cover extra resources for conversion of large volumes of paper IP registrations and applications into electronic form for the establishment of IP databases, resources for more extensive training and knowledge transfer, resources for a full-set of ICT infrastructure components to support end-to-end automation.

27. The fourth component was automation workshops to facilitate sharing and exchange of national experiences, issues, lessons learned, best practices and coping with challenges. Each regional workshop was to include 10 to 12 countries that were to be selected in consultation with the respective region. These targeted workshops were to focus on transfer of knowledge amongst the countries, on building institutional capacity and in promoting South-South collaboration.

DESCRIPTION OF THE PROJECT

28. *Objectives:* The project document set out the following specific objectives for this project:

- (a) to strengthen the national and regional IP institutions to offer efficient, quality and timely IP services to their stakeholders; and

(b) to enable the national and regional IP institutions to undertake research and analysis, forecast and projections and support the scientific and business community of the country.

29. *Deliverables:* The project was expected to deliver the following improvements to the target beneficiaries.

(a) Project (a) OAPI and two of its member countries:

- (i) Increased capacity for efficient reception of IP applications;
- (ii) Faster, efficient IP data communication with OAPI; and
- (iii) Availability of online access to central IP databases at OAPI.

(b) Project (b) ARIPO and two of its member countries:

- (iv) Increased capacity for efficient processing of regional IP applications;
- (v) Faster, efficient IP data communication with ARIPO; and
- (vi) Availability of online access to regional IP databases at ARIPO.

(c) Project (c) three LDCs:

- (i) Reduction of backlog;
- (ii) Faster throughput from application reception to registration;
- (iii) Timely, cost-effective generation of official publications like gazettes, etc.;
- (iv) Elimination or minimization of manual paper-intensive procedures; and
- (v) Establishment of IP databases for internal processing and for access by stakeholders.

(d) Project (d) Regional Automation Workshops:

- (i) Broader sharing of knowledge, experience and lessons learned amongst the countries;
- (ii) Facilitate collaboration on automation projects between the countries; and
- (iii) Better understanding of the requirements for value added services for IP automation system.

30. *Delivery strategy:* The project document described the project delivery strategy, which consist of four components: contribution from WIPO; contribution of the beneficiary country; risks and mitigations; and sustainability.

- (a) *WIPO contributions:* This consists of missions by WIPO experts for: technical guidance; needs assessment; streamlining of workflow processes; customization and deployment of automation systems and databases; training of staff and knowledge transfer to technical staff on the use, operation and support of the system; and post-project impact evaluation; provision of the minimum equipment of ICT infrastructure to support automation; and conversion of IP registers in paper to electronic form.
- (b) *Contribution from the beneficiary country:* The expected contribution from the selected project partners is: commitment and readiness for the project; availability of technical persons with an adequate level of skills that can acquire the necessary knowledge and expertise from WIPO to use, operate and support the automation system; readiness to transit from existing manual automated procedures; adequate Internet access; and resources to maintain and upgrade the automation infrastructure and its consumable accessories to sustain the benefits from the project. Some of these expected contributions were a pre-requisite to the project and were used as criteria for selecting countries for these projects. Other non-critical factors were to be addressed during needs assessment missions.
- (c) *Risks and mitigations:* The project document envisaged some risks that could arise during project implementation and indicated ways of mitigations. These included loss of partner's trained staff through transfer and other job opportunities; a change in partner's priorities for the project; maintaining manual procedures in parallel with automated ones, thereby adding extra workload; undue delays in delivery of services from local contractors; interruptions in electricity due to blackouts, load-shedding, etc.; and changing security conditions preventing WIPO from undertaking missions to partners' countries.
- (d) *Sustainability:* The project document included measures to strengthen the long term sustainability of the project benefits through: ownership of the project deliverables by the beneficiary institution; focused and phased training by WIPO using "train the trainer" approach for multiplying the impact; WIPO's technical support; and enhancement and upgrade of the automation systems as and when needed.

31. *Achievements:* The main achievements of the project in 2011 are broken down by sub-project:

- (a) *Organisation Africaine de la Propriété Intellectuelle (OAPI) Project*
According to the modernization project plan for OAPI, preparatory work was undertaken for the deployment of the Industrial Property Automation System (IPAS) and equipment was purchased for the office to support the plan at OAPI and two Member States identified for the project, namely Senegal and Gabon. The system was configured, the data migrated and the users trained on the use of the system.
- (b) *African Regional Intellectual Property Organization (ARIPO) Project*
An electronic data exchange system of notifications between ARIPO and five of its member state offices (Botswana, Ghana, Kenya, Namibia, and Uganda) was successfully installed and is being extensively used. This system allows for the discontinuation of paper notifications between ARIPO and member states.
- (c) *LDC Projects in Laos, Cambodia and Bhutan*
Needs assessments were carried out in all three offices to clearly define the nature and scope of assistance to be provided to help the offices reach the defined project goals. They were followed by training missions on the use of IPAS, its installation and usage. Within the framework of the project, equipment was purchased by WIPO using Japanese Funds in Trust to support the modernization plan.

(d) *Regional Workshops*

Three workshops focusing on knowledge transfer amongst the offices, on building institutional capacity and in promoting collaboration were organized, two in Harare, Zimbabwe and one in Cairo, Egypt.

OVERVIEW OF EVALUATION CRITERIA AND METHODOLOGY

32. The aim of the evaluation was to assess the project's performance including project design, project management, coordination, coherence, implementation and results achieved. The evaluation also aimed to provide evidence-based evaluation information to support the CDIP's decision-making process.

33. The evaluation was organized around eleven evaluation questions split into five foci: Project design and management, Effectiveness, Efficiency, Sustainability and Implementation of Development Agenda Recommendations. These questions are responded to directly in the section "Key findings" below.

34. The evaluation utilized a combination of methods. In addition to a review of all relevant documentation, interviews were conducted with nine staff at the WIPO Secretariat in Geneva. Customized questionnaires were prepared and sent to the beneficiaries. This was followed by telephone interviews where possible. Requests for and receipt of feedbacks were as follows:

(a) Requests were sent to OAPI and the two participating countries – Senegal and Gabon. No feedback was received from them.

(b) Requests were sent to ARIPO and all the five participating countries – Kenya, Uganda, Namibia, Ghana and Botswana. A comprehensive report was made on Kenya since the one of the consultants (Prof. Ogada) paid a visit to the Kenya IP Institute (KIPI). Limited feedback was obtained from Botswana. No response was received from Namibia, Ghana and Uganda.

(c) Requests were sent to the three LDC countries, with feedback only received from Bhutan. Otherwise, the consultants had to rely on the mission reports provided by WIPO.

(d) The consultants reviewed reports on the three training workshops that were undertaken within the project, two in Zimbabwe and one in Egypt.

KEY FINDINGS

35. This section is organized on the basis of the five evaluation areas. Each evaluation question is answered directly under the headings of each area.

A. PROJECT DESIGN AND MANAGEMENT

Appropriateness of the initial project document for implementation and assessment of results

36. *Finding 1:* The project document was assessed as being sufficient for launching of the four components of the project. In all cases, needs assessments were undertaken; equipment was purchased, installed, tested and commissioned; and staff was trained. However, the evaluation noted some few shortcomings and/or challenges:

(a) *Confusion between Digitization and the Data Exchange projects*

The data exchange project (between ARIPO and IPOs) involved scanning of documents and exchanging them electronically. These required that ARIPO and the IPOs have in place a scanning capability. This capability was delivered, around the same time, through another development agenda project – DA_19_24_27 – *Intellectual Property, Information and Communication Technologies (ICTs), the digital Divide and Access to Knowledge*. The scanning could be done using the equipment provided by this project but also by using other scanning devices. Three observations were made. First, the beneficiaries found it difficult to appreciate that they were two different projects. Secondly, the digitization project was more known than the data exchange project. Thirdly, the project document did not put adequate attention on the possible inter-relationship of these two projects in its delivery strategy.

(b) *Inadequate understanding of the actual situation on the ground*

The project document was generic, prepared without adequate understanding of the actual situation in the IP Offices of the target beneficiaries. This necessitated major changes in some project component during implementation. For example, the deployment of a data exchange system for ARIPO and its member states became a relatively small component of the project compared with the need to upgrade the systems of member state IPOs in preparation for more integration with ARIPO's systems in the future. In addition, the implementation timelines in the project document had to be revised as they turned out to be too ambitious, given the many challenges the project team was to face.

(c) *Commitments from the beneficiaries*

Despite undertaking assessment missions, commitment, was not used in all the cases, as a criteria for participation in the project. For example, in the case of the OAPI, project resources were consumed on purchasing ICT equipment for the office but no progress was made on deployment of systems as the office was unable to commit the necessary resources to this part of the project.

(d) *Assessments of results*

For assessment of the results of the project, the documentation detailed project outputs and outcomes. However, the tools to measure the impact of the project were not part of the project documentation.

(e) *Projects versus regular activities*

Given that the nature of the Smart IP Institutions project is the same as the Infrastructure Modernization Division's (IMD) program of regular technical assistance activities, it was difficult to draw a clear line between which were development Agenda activities and which were part of WIPO's regular technical assistance to Member States. This led to some confusion in reporting.

Adequateness and usefulness of the project monitoring, self-evaluation and reporting tools in providing relevant information for decision-making purposes of the project team and key stakeholders

37. *Finding 2:* The project monitoring and controlling tools were appropriate for reporting to Member States at the CDIP (progress reports and mid-term evaluations). However, they were not used for reporting to other key stakeholders, including internal management and the beneficiaries of the projects. They were also not sufficient for the project team, who introduced status reports for each project to be able to follow more precisely the advancement towards the targeted goals. The reporting tools were not adequate and useful in providing information on the general progress for all the four components of the project. Specifically, the evaluation observed:

- (a) That the beneficiaries were not mandated to regularly prepare and submit progress reports. Consequently, the project team did not have an updated true picture on the ground. For example, whereas progress reports by WIPO indicated that data exchange link between ARIPO and four of its member states (Kenya, Uganda, Ghana and Namibia) was working, it was not so in Namibia and Botswana, with the latter having functioned previously but has faced issues that are currently being resolved.
- (b) Some of the IPOs did not maintain performance data (e.g., cost of manual communication compared to electronic data exchange). It is therefore difficult to assess the progress made.
- (c) In the case of the OAPI project, there was limited use of monitoring and reporting tools since there were no activities after the commissioning of the ICT equipments.
- (d) In the assessment phase, the main assessment tool were onsite visits that were summarized in mission reports. Based on a selection of mission reports, no standardized assessment criteria was used nor was a broader assessment of development capacities of IP Offices undertaken (i.e. level of commitment, ownership, technical skills).

The extent to which other entities within the Secretariat have contributed and enabled an effective and efficient project implementation

38. *Finding 3:* Due to the technical nature of the assistance provided, which required expertise that is only available in IMD, collaboration with other entities within the secretariat was limited. Whereas the regional bureaus could assist in facilitating communication with the offices, this was not necessary as direct communication took place with the project team.

The extent to which the risks identified in the initial project document have materialized or been mitigated

39. *Finding 4:* Most of the risks that were envisaged during the implementation of the project did not occur or were minimized through incorporation of lessons learned from other projects. Furthermore, the project hired a regional consultant to build more technical capacity and respond more effectively to the requests for support for increased ownership of the projects. Finally, through workshops, the technical training of focal points in the relevant IPOs was enhanced. Notwithstanding, the following challenges emerged during the implementation of the project:

(a) *Long hiring process*

A major challenge which impacted the project implementation was the internal delay for hiring the two consultants and short term administrative assistant to support the project. The design of an appropriate contract type for the project staff to be hired was completed mid-2010 by the Human Resources, resulting in filling the first Consultant position in June 2010, the short term assistant position in November 2010 and the second Consultant position in March 2011. This was not foreseen when drafting the project document, and it seriously impacted the implementation timelines. The needs assessments which were planned to take place during 2009 were delayed to the second half of 2010.

(b) *Supply of equipment not according to specification*

Some of the equipments delivered were not according to the specifications and some lack the basic components required for smooth operation. For example, in the case of KIPi-the server for the PATENTSCOPE® project was delivered without a CD/DVD-ROM since it had not been included in the specifications given by WIPO to the supplier. A CD/DVD-ROM drive from a similar server was used to install software on the

PATENTSCOPE® server. Secondly, the HP M9040 mfp scanner/copier/printer was supplied without an output tray for print/copy jobs. A meeting was held with the supplier, who acknowledged that this was an oversight and the company supplied the missing tray one month later. As a temporary measure, a tray from an old-out-of-use printer was used.

(c) *Deadlines*

It was very difficult to impose project timelines on the recipient IPOs. In the case of OAPI, the office was unable to commit the necessary resources to the project and the project remains incomplete. In the case of Cambodia, the key focal point at the office has been absent for extended training and the project will be completed at the end of 2012 using WIPO regular budget resources.

The project's ability to respond to emerging trends, technologies and other external forces

40. *Finding 5:* The project responded well to emerging technologies and other external forces. The ARIPO Data Exchange project component had to respond to both the high demand for the project and factors within IPOs that impacted on the project's success. For the high demand, the IMD increased the number of IPOs linked to ARIPO from two to five but could not respond to the additional requests from three Member States within the given budget. Factors within IPOs that were external to the project were identified as management commitment and support for the project that varied from country to country and impacted on its success and sustainability, according to WIPO staff.

B. EFFECTIVENESS OF THE PROJECT

The effectiveness and usefulness of the project in increasing the capacity for efficient reception of IP applications and providing faster and efficient data communication and online access to central IP databases

41. *Finding 6:* The project was effective and useful in increasing the capacity for efficient reception of IP applications and providing faster and efficient data communication and online access to central IP databases for the ARIPO component but not in the case of OAPI.

(a) *Increasing institutional capacity*

An electronic data exchange system of notifications between ARIPO and five of its member state offices (Botswana, Ghana, Kenya, Namibia, and Uganda) was successfully installed and is being used. This system allows for the discontinuation of paper notifications between ARIPO and Member States.

(b) *Increasing data transfer speed*

Electronic data exchange has reduced communication time significantly. For example, in the case of ARIPO-KIPI Data Exchange - in the past documents sent by ARIPO through post or diplomatic bag would take three months. Today such documents would be received within minutes. As a procedure, whenever ARIPO has uploaded any documents on the KIPI account, ARIPO would send an email to alert KIPI that a document has been uploaded. KIPI would then download the documents from its account processing. All these activities can be done within one day. Secondly in the past, because it was not cost effective to send to KIPI by post one application, ARIPO waited to accumulate several applications before dispatching them by post or diplomatic bag. This also means that the processing was delayed through bulking of applications and postage. Now it is possible for ARIPO to send each single application as soon as they come in eliminating the waiting time. Furthermore the cost of postage has been eliminated. Although the evaluators did

not receive responses from Uganda and Ghana, it is expected that similar successes would be realized where the data exchange is working.

(c) *OAPI project component*

At OAPI, IPAS was configured to OAPI's workflow for the Trade Names sub-project, the data was migrated and the users were trained on the use of the system. However, the system has not been implemented. Further stages of the project (automation of Trademarks and Patents) have not been started. It is therefore not possible to evaluate the effectiveness of this project at this stage.

The usefulness of the project to eliminate and minimize manual paper intensive procedures and establishing IP databases for internal processing and access by external stakeholders.

42. *Finding 7:* The project has been effective in eliminating and minimizing manual paper intensive procedures both in the case of ARIPO-Member States Data Exchange project and the IPAS project for the LDC.

(a) *ARIPO Data Exchange* – Where it is working, the project has managed to eliminated paper procedures. For example in the case of ARIPO-KIPI;

(i) Information from ARIPO comes in electronically and the files are secured in KIPI account in the data exchange server. The same are also for the communication sent to ARIPO copies are secured in the data exchange server.

(ii) Applications from Kenyans for ARIPO patents are also scanned before transmission to ARIPO. The copies are secured too in the data exchange server.

(iii) Kenyan Applicants are also encouraged to scanned their applications and submit scanned copies for onward forwarding to ARIPO. Although the applicants bear the costs of scanning, they are happy with the arrangement due to processing speed.

(b) *LDC APAS project* - the LDC offices (Bhutan, Cambodia and Laos) were provided with WIPO's IPAS and WIPOScan software and staff was trained on their use. Equipment was also purchased to modernize their IT infrastructure. All three offices are now extensively using IPAS for the administration of their IP applications and have their own IP database for internal processing.

The usefulness of the project in facilitating the sharing of knowledge, experiences, lessons learned and collaboration on automation projects amongst countries.

43. *Finding 8:* The project was useful in facilitating the sharing of knowledge, experiences, lessons learned and collaboration on automation projects amongst countries. This was achieved through the following three training workshops, which were organized within the project

(a) *First Regional Seminar* – This was organized in Victoria Fall, Zimbabwe, May 18 to 20, 2011, and was specifically oriented towards the best ways of supporting the regional development efforts through knowledge transfer and capacity building in the area of ICT-based business services. The participants – heads of departments and senior managers of IPOs, were brought together so as to interact, share and expand their knowledge through examination of the technical, economic, institutional and management aspects of ICT projects as well as their potential operational impacts. Thirty three foreign participants attended from the following countries - Botswana, Gambia, Ghana, Kenya,

Lesotho, Liberia, Malawi, Mozambique, Namibia, Sudan, Swaziland, Tanzania, Uganda, Zanzibar, Zambia and Zimbabwe. Evaluation conducted after the seminar showed that the participants found the seminar to be very useful and requested WIPO to continue supporting such events.

(b) *Second Regional Workshop* - A Second Regional Workshop on IPAS and WIPOScan, took place in Harare, Zimbabwe, in October 3-7, 2011 – The purpose of this capacity building training workshop was to strengthen the professional and technical capabilities of IPOs in the ARIPO Member States. The main focus of the training was building technical skills of those supporting and maintaining the IPAS and WIPOScan automation systems. Participants came from Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Rwanda, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe.

(c) *WIPO-LAS Regional Workshop* - The workshop was held in response to the recommendation of the regional coordination meeting of the heads of Arab Intellectual Property offices which was held in Beirut/Lebanon in October 2009. The workshop also comes as part of the projects funded by the WIPO development agenda for the establishment of smart IP institutes in alignment with WIPO global IP infrastructure. The workshop was organized by WIPO in cooperation with League of Arab States (LAS), brought together 30 participants from 16 IPOs in the Arab region - Algeria, Djibouti, Egypt (TM & Patents), Jordan, Lebanon, Mauritania, Morocco, Oman, Palestine, Saudi Arabia, Sudan, Syria, Tunisia, UAE and Yemen (16 offices) attended the workshop. The Workshop objectives were:

- Present new WIPO IT strategy for the development of smart IP institute in alignment with WIPO global IP infrastructure and the development agenda, demonstrating the extended role IPOs can play with the different IP stakeholders as well as the recommended strategy and roadmap to achieve this role.
- Demonstrate the scope of technical services WIPO provides to member states including enhanced automation and digitization solutions, channels of data exchange and online services in addition to assisting member states in the establishment of national technology and innovation centers and the support of patent offices in the examination of patent applications.
- Hands on and sharing of the different experiences, challenges and best practices in the deployment and leverage of information technology solutions at industrial property offices.

C. EFFICIENCY

The cost efficiency with which the project was implemented (use of experts, procurement, cost sharing, etc)

44. *Finding 9:* The project was implemented in a cost efficient manner in terms of - use of experts, procurement, outsourcing cost sharing etc.

(a) *Experts* - As mentioned above, a regional expert was hired under the DA project to enhance the recipients' capacity to benefit from the project. Staffs of national offices were trained, either at the office by WIPO experts or through regional training workshops.

- (b) *Procurements* – Some of the ICT equipment were procured from local suppliers. However, the installation, configuration and commissioning of the equipments as well as training could not have been provided by a local service provider since the services require IP-specific knowledge.
- (c) *Outsourcing* - The alternative approach to implementation could have been to outsource the project execution, but this would have been more expensive since the necessary skills are not readily available from external service providers and more resources would have been required to train the service providers.
- (d) *Cost sharing* - The budget was under-spent because of the delay in hiring the project staff and because some of the activities were financed by other means (workshops and expansion of the ARIPO project to all ARIPO member states).

D. SUSTAINABILITY

The likelihood for continued use of the modernized infrastructure and automated solutions provided by the project in the national and regional IP institutions

45. *Finding 10:* The potential for sustainability of the ARIPO, LDC and workshop components of the project is high whereas that of OAPI project is poor.

(a) *ARIPO Data Exchange Project Component* - an electronic data exchange system of notifications between ARIPO and five of its member state offices (Botswana, Ghana, Kenya, Namibia, and Uganda) was successfully installed and is being extensively used. This system allows for the discontinuation of paper notifications between ARIPO and member states. In addition, much work has been done in the ARIPO member states to upgrade their IP administration systems, training of IT staff, provision of equipment (with funds-in-trust resources) and preparing them for tighter and more automated integration with ARIPO in the future.

(b) *ARIPO-KIPI Data Link* - This project shows high level of sustainability. In this respect, KIPi has done the following:

(i) Provided key staff and recently recruited two staff specifically to be responsible for the data exchange server.

(ii) Provided a room where the equipment were installed and installed reliable and fast internet service and is committed to sustaining them.

(iii) Currently, KIPi is already using the data exchange project between the Institute and ARIPO. The staff members are happy with the new communication arrangement with ARIPO and do not wish to go back to the old ways of communication through posts and diplomatic bags.

(iv) The project has addressed specific needs of KIPi – that is facilitating Kenyans to access regional patent registration and providing grants to foreign applications designating Kenya. The efficiency of doing this is very important to KIPi. It is also providing public users, local and international, an opportunity to access patent information online.

- (v) KIPi's Management and Board have developed a service charter in which they have specified the timelines for offering various services to the public. Faster communication can only help meet the customers' expectations as stipulated in the charter. KIPi has also included in their Strategic Plan (2010-2012) – a strategy to harness the use of ICT in operations.
- (c) *OAPI* – This project is not sustainable because of the lack of resources available from the beneficiaries.
- (d) *LDCs* - With regards to the LDCs' projects, the host countries are using the project in the day to day administration of their IP records. For example, the report of the mission to Bhutan of March 28-31, 2011, indicated that since its deployment, IPAS is in use and all existing and newly submitted applications are captured in IPAS. IPAS is being maintained and supported by a capable IPAS administrator. The office has identified some members of staff with basic IT knowledge to backup the IPAS administrator. The office plans to launch its public search service on the internet.
- (e) *Workshops* – All the participants showed interests that the workshops should become an annual event.
- (f) *Relevance* - From what was assessed during the needs assessment missions and the constant contact with the host countries.
- (g) *Commitments* - The offices have moved from a paper-only environment to an automated environment. All their procedures are integrated into the system which is being effectively used by the examiners and other staff in the office. This new workflow has been integrated by the offices. WIPO provides ongoing support to the offices using regular budget resources, and there is a network of IPOs staff (ARIPO member states) that exchange information regularly.

E. IMPLEMENTATION OF DEVELOPMENT AGENDA (DA) RECOMMENDATIONS

The extent to which the DA Recommendations 10 have been implemented through this project

Recommendation 10 is “to assist Member States to develop and improve national IP institutional capacity through further development of infrastructure and other facilities with a view to making IP institutions more efficient and promote a fair balance between IP protection and the public interest. This technical assistance should be extended to sub-regional and regional organizations dealing with IP.”

46. *Finding 11*: This evaluation has found that this recommendation has been implemented throughout the project. IPOs were equipped with new IT business systems, new IT equipment to support the projects and staff was trained on new business systems and methods. It is more difficult to evaluate the extent to which the IPOs are more efficient as a direct result of the project activities.

CONCLUSIONS

A. PROJECT DESIGN AND MANAGEMENT

47. *Conclusion 1 (Ref: Findings 1-4)*. The project document, as was designed, together with improvements so far undertaken by the project team, will need further modification to be appropriate for use as a guide for the implementation of similar development projects in the future. Specifically the modifications should consider the following:

- (a) Removing confusion between digitization and data exchange projects.
- (b) Ensure that high level commitments (in terms of financial and human resources) from the beneficiaries are evident during the different phases of project implementation.
- (c) Tools to assist the beneficiaries to monitor progress made and measure impact of the project.
- (d) To introduce reporting by the beneficiaries.
- (e) Ensure that DA projects are distinct activities from regular technical assistance activities of the WIPO Secretariat and not simply more resources for these existing activities.
- (f) Reduce cases of delayed supply or service of ICT equipment.

B. PROJECT EFFECTIVENESS

48. *Conclusion 2 (Ref: Findings 6 and 7)*. It has been proven that the project has the potential to – increase the capacity of the IPOs for efficient reception of IP applications and provide faster and efficient data communication between regional offices and the IPOs; eliminate and minimize manual paper intensive procedures; and facilitating the sharing of knowledge, experiences, lessons learned and collaboration on automation projects amongst other. However, the non-completion of the deployment of the ICT system in OAPI and the slow speed of the implementation of the project in Bhutan has negatively impacted on the project.

49. *Conclusion 3 (Ref: Finding 8)*. The workshops were important in providing a forum for exchange of information, knowledge and experiences. Participants from the three workshops recommended the conversion of these workshops into an annual event.

C. PROJECT EFFICIENCY

50. *Conclusion 4 (Ref: Finding 9)*. The project showed an exemplary example of tapping on synergy to implement project cost-effectively. It was laudable that the project team and beneficiaries utilized other external funding to deliver some of the project activities.

D. PROJECT SUSTAINABILITY

51. *Conclusion 5 (Ref: Finding 10)*. First, it is too early to conclude that the measures the host countries have put in place for the data exchange and the IPAS components will actually

be implemented and deliver the resources for sustainability. Secondly, this evaluation could not ascertain the sustainability of the OAPI component, because it was incomplete.

RECOMMENDATIONS

52. *Recommendation 1 (Ref: Conclusion 1, Findings 1-4).* It is recommended that the WIPO Secretariat to modify the project document, as follows, for use in projects of this nature in the future.

(a) To modify existing Cooperation Agreements between WIPO and the IPOs so that they provide incremental financial and human resources from WIPO based on the progress and commitment of IPOs during project implementation.

(b) To include tools that can assist the beneficiaries to monitor progress made and measure impact of the project.

(c) To make progress reporting by beneficiaries mandatory.

(d) To make the project distinct from the regular technical assistance activities of the WIPO Secretariat.

(e) Improves on contractual agreements with local supplier of ICT equipments in terms of quality and after sales services.

53. *Recommendation 2 (Ref: Conclusion 2-3, Findings 6-7).* It is recommended that the WIPO Secretariat agree to complete the delivery of the project as was articulated in the project document by mainstreaming activities within the regular budget. Specifically:

(a) To strengthen the ARIPO project in the five countries and extend to other Member States.

(b) To find resources and complete the deployment process of the ICT system in OAPI to enable data exchange with the two Member States (Gabon and Senegal) dependent also upon the availability of resources from OAPI.

(c) To consider making training workshop for sharing experiences and lessons learned, an annual event in the region

54. *Recommendation 3 (Ref: Conclusion 4, Finding 9).* It is recommended that WIPO Secretariat to build concept of cost sharing in its implementation and delivery strategy of the project in future.

55. *Recommendation 4 (Ref: Conclusion 5, Finding 10).* It is recommended that the WIPO Secretariat and IPOs ensure sustainability of the project through providing the necessary resources needed for project completion and continuity.

**APPENDIX I
PERSONS INTERVIEWED/CONSULTED**

WIPO STAFF

Yo Takagi, Assistant Director General, Global Infrastructure Sector

William Meredith, Director, Infrastructure Modernization Division, Global Infrastructure Sector

Kifle Shenkoru, Director, Division for Least-Developed Countries, Development Sector

Maya Bachner (Ms.), Head, Program Management and Performance Section, Administration and Management Sector

Georges Ghandour, Senior Program Officer, Development Agenda Coordination Division, Development Sector

EXTERNAL

Kenya

- (a) Henry Mutai, Managing Director
- (b) Silvance Sange, Principal Patent Examiner
- (c) David Njuguna, Senior Patent Examiner
- (d) Julius Marya, Senior Computer Analyst and Programmer

Botswana

- (a) Timothy Leatile Moalusi, Chief Commercial Officer and Head of Industrial Property
- (b) Lillian Molefi (Ms.), Principal Registration Officer and Trademarks Examiner
- (c) Keletso Linchwe (Mrs.), Systems Analyst, IT Division

Bhutan

- (a) Tandin Tshering, Patents Department

[Appendix II follows]

**APPENDIX II
DOCUMENTS CONSULTED**

1. CDIP/4/2, Annex VI – Report on Smart IP Institutions (2009)
2. CDIP/6/2, Annex VI – Report on Smart IP Institutions (2010)
3. CDIP/8/2, Annex VI – Report on Smart IP Institutions (2011)
4. The report of the Director General to 2011 DA on Smart IP Institution
5. Mission Report – Bhutan, March 2011
6. Mission Report – Cambodia, March 2011
7. Mission Report – ARIPO
8. Mission Report – OAPI
9. Workshop Report – Harare (ARIPO), Zimbabwe, May 2011
10. Workshop Report – Cairo, Egypt, July 2010

[Appendix III follows]

APPENDIX III INCEPTION REPORT

1. Introduction

IP Institutions around the world face increasing demands for efficient management of their services in order to reduce the time and cost of granting rights and to improve the quality of search and examination of patents, trademarks and industrial designs, which is important for maintaining a fair balance between IP protection and the public interest. IP service delivery in many developing countries and LDCs is, however, still mostly manual and paper-based and as a consequence, many of these institutions are finding it difficult to cope with the growing backlog of IP applications and long pendency times. These countries have recognized the strategic role of modern information technologies in overcoming these challenges and in the development of skills and competence to efficiently manage the generation, protection and exploitation of IP for their country's socio-economic benefits.

Smart IP Institutions, a Development Agenda Project, was initiated to address the above mentioned challenges and implemented during the period 2009-2012. Specifically, the main objectives of the project were; to strengthen the national and regional IP Institutions to offer efficient, quality and timely IP services to their stakeholders; and to enable the national and regional institutions to undertake research and analysis, forecast and projections and support the scientific and business community of the country. To realize these objectives, the project was expected to deploy components and business solutions customized for modernizing IP infrastructure of national and regional IP institutions. It was also meant to deliver tested and proven e-communication systems, valuable experience and established data exchange procedures, which can be re-used and replicated later in the remaining member countries of these regional organizations thus saving significant cost and time. It was expected that this project would take advantage of lessons and experience accumulated in the course of deployment of WIPO's software and business solutions which are packaged in the WIPO Industrial Property Automation System (IPAS). Solutions and opportunities offered by IPAS and its associated services should allow IP institutions with modest resources to use products and services made available through international cooperation, containing capital investment and operational costs at a minimum level. Such a modernized IP institution (smart IP institution) will be used as a model to help developing countries and LDCs with scarce resources.

The Smart IP Institution Project comprised the following four components:

- (i) A pilot project to deploy an information and communication technologies (ICT) infrastructure and customized e-communication system for OAPI and two of its selected member countries to enable them to electronically manage, access and exchange IP information amongst themselves and internationally;
- (ii) A similar project was envisaged for ARIPO and two of its selected member countries;
- (iii) A project to deploy comprehensive customized automation solutions in three LDC IP institutions across regions; and
- (iv) Workshops, one per region, in order to facilitate sharing and exchange of national experiences, issues, lessons learned, best practices and how to overcome challenges.

During the implementation period, the project undertook the following:

- (a) *Organisation Africaine de la Propriété Intellectuelle (OAPI) Project* - the Industrial Property Automation System (IPAS) was deployed to support the plan at OAPI and two Member States identified for the project, namely Senegal and Gabon. The system was configured to OAPI's workflow for the Trade Names sub-project, the data was migrated and the users were trained on the use of the system. Furthermore, systems for digitization of IP documents and automation of their IP registries at OAPI were installed. The system will be made available to other member states of OAPI via the internet.
- (b) *African Regional Intellectual Property Organization (ARIPO) - Project* An electronic data exchange system of notifications between ARIPO and five of its member state offices (Botswana, Ghana, Kenya, Namibia, and Uganda) was successfully installed and is being extensively used. The system has also been requested by three more member states. This system allows for the discontinuation of paper notifications between ARIPO and member states.
- (c) *LDC Projects* - Laos, Cambodia and Bhutan were identified as the three recipient countries for the smart IP institutions project. Needs assessments were carried out in all three offices to clearly define the nature and scope of assistance to be provided to help the offices reach the defined project goals. They were followed by training missions on the use of the Industrial Property Automation System (IPAS). Within the framework of the project, equipment was purchased by WIPO using Japanese Funds in Trust to support the modernization plan.
- (d) *Regional Workshops* – In order to facilitate sharing and exchange of national experiences, issues, lessons learned, best practices and coping with challenges, regional workshops are organized on a regular basis. The workshops focus on knowledge transfer amongst the Office, on building institutional capacity and in promoting collaboration. Consequently a workshop was held in Cairo, Egypt, in July 2010 and was attended by representatives of 16 offices. Another workshop was held at ARIPO in Harare, Zimbabwe, in May 2011 and was attended by representatives of 17 offices.

2. Objectives and Scope of Evaluation

2.1. *Objectives of the Evaluation-tom*

There are three main objectives of this evaluation. These are:

- (a) *Learning*: Provide opportunity for learning from the existing experiences in order to improve future performance i.e., what worked well and did not work so well for the benefit of future project implementation. This include assessing the project design framework, project management including monitoring and reporting tools, as well as measuring and reporting on the results achieved to date and assessing the likelihood of sustainability of the results achieved.
- (b) *Participation*: The evaluation is intended to be a participatory evaluation. It should allow active involvement of all those with a stake in the projects: partners, customers (beneficiaries) and any other interested parties.
- (c) *Decision*: Provide evidence based evaluative information to contribute to the decision making process of the CDIP and its needs for information.

2.2 Scope, Focus and Criteria for this Evaluation

The project time frame is 28 months (January 2010 to April, 2012). For the purposes of this evaluation, activities held from April 2009 to December 2011 will be considered. The focus is not to assess individual activities but rather to evaluate the project as a whole, its evolution over time, its performance including project design, project management, coordination, coherence, implementation and results achieved. Specifically, the evaluation will assess the extent to which the project has been instrumental in:

- (a) Strengthening the national and regional IP institutions to offer efficient, quality and timely IP services to their stakeholders; and
- (b) Enabling the national and regional IP institutions to undertake research and analysis, forecast and projection and support the scientific and business community of the country.

The evaluation will be guided by the following five foci: Project Design and Management, Effectiveness, Efficiency, Sustainability and implementation of Development Agenda Recommendations, as illustrated in the following evaluation grid:

<i>Theme and questions</i>	<i>Proposed indicators</i>	<i>Data collection tools</i>	<i>Sources of information</i>
<i>Project design and management</i>			
a. Appropriateness of the initial project document for implementation and assessment of results.	Extent of appropriateness of project document	Document review Interviews	Documentation WIPO Secretariat
b. Adequateness and usefulness of the project monitoring, self-evaluation and reporting tools in providing relevant information for decision-making purposes of the project team and key stakeholders.	Extent of adequateness and usefulness of tools	Document review Interviews	Documentation WIPO Secretariat
c. The extent to which other entities within the Secretariat have contributed and enabled an effective and efficient project implementation.	Extent of contribution of entities	Document review Interviews	WIPO Secretariat
d. The extent to which the risks identified in the initial project document have materialized or been mitigated.	Extent of identified risks materializing or mitigating	Document review Interviews	Documentation WIPO Secretariat
e. The project's ability to respond to emerging trends, technologies and other external forces.	Level of ability of the project to respond	Document review Interviews	Documentation WIPO Secretariat Stakeholders

<i>Effectiveness</i>			
a. The effectiveness and usefulness of the project in increasing capacity for reception of IP applications and providing faster and efficient IP data communication and online access to central IP databases at OAPI and ARIPO.	Extent to effectiveness and usefulness of project in capacity for reception	Document review Interviews	Documentation WIPO Secretariat Stakeholders
b. The effectiveness and usefulness of the project in eliminating and minimizing manual paper-intensive procedures and establishing of IP databases for internal processing and access by external stakeholders.	Extent to effectiveness and usefulness of project in eliminating and minimizing procedures	Document review Interviews	Documentation WIPO Secretariat Stakeholders
c. The usefulness of the project in facilitating the sharing of knowledge, experiences, lessons learned and collaboration on automation projects amongst countries.	Extent to usefulness of the project in facilitating sharing and collaboration	Document review Interviews	Documentation WIPO Secretariat Stakeholders
<i>Efficiency</i>			
a. The cost-efficiency with which the project has been implemented (use of experts, procurement, etc.).	Level of cost efficiency with the project	Document review Interviews	Documentation WIPO Secretariat
<i>Sustainability</i>			
a. The likelihood for continued use of the modernized infrastructure and automated solutions provided by the project in the national and regional IP institutions.	Likelihood of continued use of the infrastructure and automated solution	Document review Interviews	Documentation WIPO Secretariat Stakeholders
<i>Implementation of Development Agenda (DA) Recommendations</i>			
a. The extent to which the DA Recommendation 10 has been implemented through this project.	Extent to which recommendation 10 has been implemented	Document review Interviews	Documentation WIPO Secretariat Stakeholders

3. Description of the proposed Methodology

The external evaluation consultant will use the following methodology for this exercise:

(c) *Desk Review*: The consultant will strive to get as much information as possible by using the documents available within WIPO. These will include the project document, the progress reports, monitoring information, mission reports and other relevant document. Appendix 1 gives the list of the documents to be reviewed.

(d) *Interview of WIPO staff*: This will involve interviewing the project team and other substantive entities contributing to the project. Appendix 2 gives the list of the names of officers to be interviewed.

(e) *Stakeholders Interview*: These will interviewing the beneficiaries, government ministries and institutions, universities and research institutions, civil society organizations, private sector representatives, UN agencies and bilateral donors. Appendix 3 gives the list of the institutions and contact details of officers to be interviewed.

A general data collection instrument has been prepared (see Appendix 4) which will be filled by the project team and the direct beneficiaries. Customized questionnaires will be prepared from the general questionnaire to target specific respondents. In this case the customized questionnaire will contain only those questions that are relevant to each of the respondents.

4. Work Plan and Milestones

The proposed milestones and timelines are as shown here below:

<i>Milestones/Deliverables</i>	<i>Revised dates (2012)</i>
Work Starts	June 20, 2012
Submission of draft inception report to WIPO	June 30, 2012
Feedback from WIPO on inception report	July 6, 2012
Submission of final inception report to WIPO	July 13, 2012
Data collection through interviews and questionnaires	July 15 to August 15, 2012
Preparation of draft Report	August 1 to August 30, 2012
Submission of draft report to WIPO	August 31, 2012
Factual corrections from WIPO on draft report	September 7, 2012
Submission of final report to WIPO	September 15, 2012
Presentation of evaluation report at the CDIP	November 12-16, 2012

5. Key Assumptions and Risks

It is assumed that the project team and the DACD will assist the consultant in identifying and accessing all key documents; informing key stakeholders about the evaluation, making necessary introductions, providing contact information and facilitating interviews as required; and providing consolidated timely feedback on deliverables. It is also assumed that the interview to be undertaken by the focal points will be successful and language will not be barriers. It is also assumed that the people to be interviewed will be available and willing to provide the required information.

[End of Appendix III and of document]