

Committee on Development and Intellectual Property (CDIP)

Twenty-Second Session
Geneva, November 19 to 23, 2018

REVISED PROJECT PROPOSAL ON ENHANCING THE USE OF IP IN THE
SOFTWARE SECTOR IN AFRICAN COUNTRIES PROPOSED BY THE REPUBLIC
OF KENYA

prepared by the Secretariat

1. The Committee on Development and Intellectual Property (CDIP), at its twenty-first session, discussed the document CDIP/21/7 on the Project on Enhancing the Use of Intellectual Property in the Software Sector in African Countries Proposed by the Republic of Kenya. The Committee considered positively the project proposal and “requested the Delegation of Kenya to consult with relevant parties, in particular the Secretariat, in order to elaborate the proposal further for its consideration at its next session.”

2. The Annex to this document contains a revised project proposal by the Republic of Kenya, taking into account suggestions of the WIPO Secretariat.

3. *The CDIP is invited to consider the Annex to the present document.*

[Annex follows]

DEVELOPMENT AGENDA RECOMMENDATIONS 11, 23, 24 and 27

PROJECT DOCUMENT

1. SUMMARY	
<u>Project Code</u>	DA_11_23_24_27_01
<u>Title</u>	Enhancing the Use of Intellectual Property in the Software Sector
<u>Development Agenda Recommendations</u>	<p><i>Recommendation 11:</i> To assist Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support development of national scientific and technological infrastructure, where appropriate, in accordance with WIPO's mandate.</p> <p><i>Recommendation 23:</i> To consider how to better promote pro-competitive intellectual property licensing practices, particularly with a view to fostering creativity, innovation and the transfer and dissemination of technology to interested countries, in particular developing countries and LDCs.</p> <p><i>Recommendation 24:</i> To request WIPO, within its mandate, to expand the scope of its activities aimed at bridging the digital divide, in accordance with the outcomes of the World Summit on the Information Society (WSIS) also taking into account the significance of the Digital Solidarity Fund (DSF).</p> <p><i>Recommendation 27:</i> Facilitating intellectual property -related aspects of ICT for growth and development: Provide for, in an appropriate WIPO body, discussions focused on the importance of intellectual property -related aspects of ICT, and its role in economic and cultural development, with specific attention focused on assisting Member States to identify practical intellectual property -related strategies to use ICT for economic, social and cultural development.</p>
<u>Brief Description of Project</u>	<p>The project aims at enhancing the use of IP in the software sector to support economic growth in the three beneficiary countries by providing tools that could also be used in other countries.</p> <p>Through its activities and deliverables, the project will build software sector stakeholders' knowledge and expertise on when and how to use various IP tools in support of developing and commercializing mobile applications.</p> <p>The project will create linkages among beneficiary countries and within each country between IP offices, ICT hubs, research institutions and industry.</p> <p>Originally proposed by Kenya at the 21st session of the CDIP</p>

	(document CDIP/21/7), this document specifies and expands the project proposal in response to comments made by Member States.
<u>Implementing Program</u>	TBD Copyright/patents/utility models/trademarks/designs/trade secrets/competition
<u>Links to other related Program(s)/ DA Project(s)</u>	Programs1;2;3;7;11;17 and 30 DA_7_23_32_01; DA_19_24_27_01; DA_1_2_4_10_11_01; DA_1_2_4_10_11_02.
<u>Links to Expected Results in the Program and Budget</u>	<i>III.2 Enhanced human resource capacities able to deal with the broad range of requirements for the effective use of IP for development in developing countries, LDCs and countries with economies in transition.</i> <i>IV.2 Enhanced access to, and use of, IP information by IP institutions and the public to promote innovation and creativity.</i> <i>III.6. Increased capacity of SMEs, universities and research institutions to successfully use IP to support innovation.</i>
<u>Project Duration</u>	36 months as of January 1 st 2019
<u>Project Budget</u>	<i>Total non-personnel costs: 361'000 Swiss francs</i>

2. PROJECT DESCRIPTION

2.1. Introduction to the issue

Smart phones and mobile broadband have boosted and democratized internet access around the world and created high demand for mobile applications. Innovation and growth in Information and Communications Technologies (ICT) but also across diverse economic sectors such as banking and agriculture increasingly rely on smart mobile applications. This innovation occurs globally and represents new opportunities for software developers and entrepreneurs in developing countries. In cooperation with industry, governments have established ICT hubs to foster interactions among developers, academia, entrepreneurs and investors.

This new dynamic is leading to many opportunities for the software sector to contribute to sustainable development on all continents, provided creativity, innovation and investment are economically rewarded. The Intellectual Property (IP) system offers a variety of tools that can be instrumental for commercializing mobile applications, but the optimal mix of tools is context dependent.. Software sector stakeholders often lack information and knowledge on which IP tools are available and how to take advantage of them. Effectively using the IP system in support of mobile applications thus remains challenging in many emerging

markets.

2.2. Objectives

Addressing Development Agenda Recommendations 11, 23, 24 and 27, the project aims to achieve the following general objective and more specific objectives:

General objective:

To contribute to three countries' economic development by enhancing the use of IP in the software sector, including by providing tools that could also be used in other countries.

Specific objectives:

To contribute to enhancing the use of IP in support of mobile applications by training researchers, developers and entrepreneurs on the range of available IP tools, and how such tools can be used to support related endeavors..

To raise awareness among entrepreneurs, financial institutions, venture capitalists and other investors on using IP as an asset and collaboration tool by furthering the exchange of knowledge and experience.

To build respect for IP in the software sector by educating researchers, developers and entrepreneurs on tools and procedures for effectively protecting IP rights in mobile applications, including mediation and arbitration.

2.3. Delivery Strategy

A. Scope

The project will be implemented in three pilot countries.

Member States interested in participating in the project will be required to analyze their current situation with regard to IP in the software sector, with a particular focus on mobile applications, ICT hubs and collaboration with research institutions.

B. Selection criteria for beneficiary countries

Interested Member States will be required to designate a country focal point and national lead agency, for example an official in the copyright or IP office, who should provide preliminary information on the following:

- State-of-play of the local mobile applications sector (ideally substantiated with success stories and economic and statistical data);
- Expression of interest from local mobile applications sector (preferably by established mobile applications/software trade association);
- Availability and/or lack of IP tools to protect mobile applications under the national legal framework;
- Current use of the identified IP tools in the local software sector;
- Specific details regarding known gaps and challenges to be addressed by the project;
- Results expected from the project implementation;
- Commitment and strategy for mainstreaming project results;

- Potential to act as regional champion on the use of IP in the software sector and willingness to contribute replicating findings and tools in other Member States;
- Presence of local ICT hub(s) and video conference facilities.

C. Scoping study

Once the three countries will have been selected, a scoping study will be conducted in order to further assess the situation in each of the participating country and to inform project activities, deliverables and targets. Terms of reference for the scoping study will be the following:

- Assess size and characteristics of the mobile applications sector in the three project beneficiary countries;
- Describe availability and use of IP tools to protect mobile applications in the three project beneficiary countries;
- Describe any use of IP in the software sector as a means to raise capital and secure investment;
- Describe software sector collaboration with research institutions and ICT hubs in the three project beneficiary countries, and the role IP plays in these countries;
- Assess the availability of local and foreign IP-based funding and collaboration mechanisms for the software sector in the three beneficiary countries;
- Research recent or ongoing studies or initiatives in other Inter-Governmental Organizations, in particular the African Regional Intellectual Property Organization (ARIPO) and the International Telecommunications Union (ITU), which could enrich or create synergies with the project;
- Based on desk research and stakeholders interviews in the three beneficiary countries, assess the local software sector's challenges and needs for enhancing the use of IP in support of mobile applications; In consultation with project beneficiary countries and WIPO Secretariat, propose specific activities in each of the beneficiary countries to implement the project and achieve expected results;
- Identify baseline indicators against which to measure the overall impact of the project in the three beneficiary countries one, three and five years after its completion.

D. Activities and deliverables

Subject to refinement following the completion of the scoping study, the following activities will be undertaken and deliverables produced:

- Publication and translation of planned WIPO publication on IP and Mobile Applications;
- Typology of various IP rights relevant to protect mobile applications, including where applicable copyright, patent, utility model, trademark, design and trade secrets;
- Training module on the role of IP in the development and commercialization of mobile applications (including on accessing third party information and using third party protected subject matter, as well as on how IP can be used as a means to raise capital and secure investments);
- Training module on key contracts in the mobile applications sector, including End User License and App Developer Agreements;
- Training modules on mediation and arbitration in the software sector to be developed in cooperation with WIPO's Arbitration and Mediation Center (one for mobile applications developers and entrepreneurs and a more advanced course for lawyers and government officials);
- Interactive dialogue between software sector stakeholders and financial institutions, venture capitalists and other investors in the three beneficiary countries;
- Connecting ICT hubs in the three beneficiary countries by video conference to foster

the exchange of knowledge and experience among software sector stakeholders on the use of IP, including collaborations with universities and other research institutions, commercial partnerships, IP success stories, challenges and solutions;

- Basic IP awareness material targeting computer science students at secondary schools, universities and other research institutions in beneficiary countries;
- Mentoring program connecting experienced business leaders and specialized lawyers volunteering to assist software start-ups in the beneficiary countries;
- IP toolbox for use in the project beneficiary countries and to be replicated in other interested countries, including through a WIPO Academy distance learning course for software sector professionals;
- Online platform to foster international exchanges of IP knowledge and good practices in the software sector;
- Two workshops in each of the beneficiary countries (first workshop to launch the project with local stakeholders; second workshop to validate final deliverables);
- Two coordination meetings with national focal points from the three beneficiary countries at WIPO Headquarters in Geneva (first meeting following completion of the scoping study; second meeting to complete and validate final deliverables);
- Video conferences with project beneficiaries whenever requested to further the above activities and deliverables.

2.4. Potential risks and mitigating measures

Potential Risks

Low ownership at local levels

Lack of interest from the potential beneficiaries (SMEs, start-ups, universities, etc.)

Mitigating measures

A dedicated project coordinator should be assigned from each beneficiary country to manage the project life cycle in each country in consultation with the WIPO project manager.

In case the project mid-term review reveals milestones cannot be reached in one or several of the beneficiary countries, discontinue the project in said country(ies).

National partners need to make information about the project and its benefits available at the very early stage of the project and conduct an initial assessment to identify and diversify the cluster of beneficiaries to ensure that their expectations are properly addressed during trainings, workshops and coordination meetings.

Expression of interest from local mobile applications sector/trade association to be validated on the occasion of the project launch workshop in each of the beneficiary countries.

3. REVIEW AND EVALUATION

3.1. Project Review Schedule

Mid-term self-evaluation 18 months following the launch of the project;

Final self-evaluation following completion of the project;

External evaluation following completion of the project and the final self-evaluation.

3.2. Project Self-Evaluation

<i>Project Outputs</i>	<i>Indicators of Successful Completion (Output Indicators)</i>
Beneficiary countries selected	<ul style="list-style-type: none"> - Three countries selected (decision based on selection criteria)
Scoping study report	<ul style="list-style-type: none"> - Overview of the software sector in the three beneficiary countries - Overview of availability and use of IP tools in the three beneficiary countries - Overview of challenges and needs for enhancing the use of IP in the software sector in the three beneficiary countries - Overview of the use of IP in the software sector as a means to raise capital and secure investments - Baseline indicators against which to measure the overall impact of the project in the three beneficiary countries - Proposal for specific activities to implement the project and achieve expected results - Final study report validated by beneficiary countries' local focal points and WIPO Secretariat
WIPO publication on IP and Mobile applications	<ul style="list-style-type: none"> - Translation of the publication in official WIPO language(s) spoken in project beneficiary countries - WIPO publication download (or publication web page visits) statistics - Per cent of beneficiaries (user clusters per country) positively rating WIPO publication on IP & Mobile applications in terms of its content and accessibility

<p>Typology of IP rights relevant to protect mobile applications</p>	<ul style="list-style-type: none"> - Three charts providing the typology relevant in each of the beneficiary countries - At least two start-up companies in each beneficiary country validating the usefulness of the chart to enhance the use of IP - Number of research institutions/ research and development (R&D) centers, ICT hubs, and universities in each beneficiary country validating the usefulness of the chart to enhance the use of IP
<p>Training module on the role of IP in the development and commercialization of new software-based products and services</p>	<ul style="list-style-type: none"> - At least two start-up companies in each beneficiary country validating the usefulness of the training module to enhance the use of IP - Number of participants attending the training per sector (commercial entity, R&D organization, university, state sector, start-ups, etc.)
<p>Training module on key contracts in the mobile applications sector</p>	<ul style="list-style-type: none"> - At least two start-up companies in each beneficiary country validating the usefulness of the training module to enhance the use of IP - Number of participants per sector (commercial entity, R&D organization, university, state sector, start-ups, etc.) attending the training per country
<p>Training modules on mediation and arbitration</p>	<ul style="list-style-type: none"> - Two training modules (one for developers and entrepreneurs and another for lawyers and governmental officials) delivered - Per cent of participants (per module) positively rating the training and materials. - At least two start-up companies in each beneficiary country inserting an arbitration clause in a contract or referring a dispute to mediation or arbitration
<p>Dialogue with financial institutions, venture capitalists and investors</p>	<ul style="list-style-type: none"> - Interactive dialogue taking place in the three beneficiary countries - Number of dialogue participants from both mobile applications sector and financial sector

<p>Connecting ICT hubs in beneficiary countries</p>	<ul style="list-style-type: none"> - Video conferences with participation from the three beneficiary countries - Per cent of video conference participants validating its usefulness
<p>IP awareness material for students</p>	<ul style="list-style-type: none"> - IP awareness material in local languages spoken in the three beneficiary countries - Per cent of students per beneficiary country validating the usefulness of the material to enhance their awareness about IP
<p>Mentoring program</p>	<ul style="list-style-type: none"> - At least three mentors willing to contribute - At least two beneficiaries of the program in each of the three beneficiary countries committed to participate - At least two start-up companies in each beneficiary country reporting success stories/cases (practical benefits) of the mentoring program to enhance the use of IP
<p>IP toolbox</p>	<ul style="list-style-type: none"> - IP toolbox available for use in beneficiary and other interested countries in working languages - Per cent of beneficiaries (user clusters per country) positively rating IP toolbox for content and accessibility
<p>Online platform</p>	<ul style="list-style-type: none"> - Online platform available for use in beneficiary and other interested countries - Per cent of beneficiaries (user clusters per country) positively rating/validating the usefulness of the platform to enhance the use of IP
<p>Workshops in each beneficiary country</p>	<ul style="list-style-type: none"> - Number and cluster of participants per country per workshop - Per cent of participants (per country) positively rating the output of each workshop - Per cent of female participants

<p>Coordination meetings in Geneva</p>	<ul style="list-style-type: none"> - Number of country project managers/national focal points per meeting - Per cent of participants positively rating the output of each meeting - Per cent of female participants
<p><i>Project Objectives</i></p>	<p><i>Indicators of Success in Achieving Project Objective (Outcome Indicators)</i></p>
<p>Contribute to economic growth</p>	<ul style="list-style-type: none"> - Evidence from at least two beneficiary countries demonstrating a positive impact through case studies and success stories of the project on strengthening the local software sector
<p>Increase funding and business options for mobile applications</p>	<ul style="list-style-type: none"> - At least two start-up companies in each beneficiary country validating the usefulness of the project for obtaining IP-based funding or collaboration with a research institution, ICT hub or industry player
<p>Build respect for IP in the software sector</p>	<ul style="list-style-type: none"> - At least two start-up companies in each beneficiary country validating through case studies and success stories the usefulness of the project for enforcing their IP rights, preventing or settling a dispute

4. TOTAL RESOURCES BY RESULTS

(a) Year 2019*

Project outputs	2019		Total		Total
	Personnel	Non-personnel	Personnel	Non-personnel	
Scoping study		20'000		20'000	20'000
First coordination meeting with national focal points		20'000		20'000	20'000
First workshops in the three beneficiary countries		30'000		30'000	30'000
Translation of WIPO publication on IP and Mobile Applications		30'000		30'000	30'000
Total		100'000		100'000	100'000

(b) Biennium 2020-2021*¹

Project outputs	2020		2021		Total		Total
	Personnel	Non-personnel	Personnel	Non-personnel	Personnel	Non-personnel	
		0				0	
Check list and training module on accessing third party IP information		10'000		8'000		18'000	
Check list and training module on contracts		10'000		8'000		18'000	
Training module on enforcement, mediation and arbitration for software entrepreneurs		12'000		8'000		20'000	
Training module on enforcement, mediation and arbitration for lawyers and officials		12'000		8'000		20'000	
Dialogue with financial institutions and investors		5'000		5'000		10'000	
Video conferences between ICT hubs in six beneficiary countries		5'000		5'000		10'000	
IP awareness material for computer science students		10'000				10'000	
Mentoring program		20'000		20'000		40'000	
IP toolbox for software sector		15'000		15'000		30'000	
Online platform		10'000		10'000		20'000	
Final workshop in the three beneficiary countries				30'000		30'000	
				0		0	

¹ * Subject to approval by the Program and Budget Committee.

Final coordination meeting with national focal points		20'000	20'000
Project self-evaluation		15'000	15'000
Total	109'000	152'000	261'000

NON-PERSONNEL RESOURCES BY COST CATEGORY

(a) Year 2019*

Activities	<i>(Swiss francs)</i>							Total
	Travel, Training and Grants			Contractual Services				
	Staff Missions	Third-party Travel	Training and related travel grants	Conferences	Publishing	Individual Contractual Services	Other Contractual Services	
Scoping study						20 000		20 000
First coordination meeting with national focal points		20 000						20 000
First workshop in three of the beneficiary countries	15 000	15 000						30 000
Translation of WIPO publication on IP and Mobile Applications							30 000	30 000
Total	15 000	35 000				20 000	30 000	100 000

(b) Biennium 2020-2021

Activities	<i>(Swiss francs)</i>							Total
	Travel, Training and Grants			Contractual Services				
	Staff Missions	Third-party Travel	Training and related travel grants	Conferences	Publishing	Individual Contractual Services	Other Contractual Services	
Check list and training module on accessing						18 000		18 000

third party IP information								
Check list and training module on contracts						18 000		18 000
Training module on enforcement, mediation and arbitration for software entrepreneurs						20 000		20 000
Training module on enforcement, mediation and arbitration for lawyers and officials						20 000		20 000
Dialogue with financial institutions and investors	10 000							10 000
Video conferences between ICT hubs in six beneficiary countries							10 000	10 000
IP awareness material for computer science students					5 000		5 000	10 000
Mentoring program	15 000	15 000					10 000	40 000
IP toolbox for software sector					10 000	20 000		50 000
Online platform							20 000	20 000
Final workshop in three of the six beneficiary countries	10 000	10 000						20 000
Final workshop in three of the six beneficiary countries	10 000	10 000						20 000
Final coordination meeting with national focal points	5 000	15 000						20 000
Project self-evaluation							15 000	15 000
Total	40 000	50 000			15 000	96 000	60 000	261 000

* Subject to approval by the Program and Budget Committee.

5. IMPLEMENTATION TIMELINE

(b) Year 2019*

Activity	Quarters 2019			
	1 st	2 nd	3 rd	4 th
Selection of beneficiary countries	x			
Scoping study		x	x	
First coordination meeting with national focal points			x	
First workshops in the three beneficiary countries				x
Translation of WIPO publication on IP and Mobile Applications	x	x		

(a) Biennium 2020-2021

Activity	Quarters 2020				Quarters 2021			
	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th
Check list and training module on accessing third party IP information		x	x	x	x			
Check list and training module on contracts		x	x	x	x			
Training module on enforcement, mediation and arbitration for software entrepreneurs		x	x	x	x			
Training module on enforcement, mediation and arbitration for lawyers				x	x	x	x	

and officials								
Dialogue with financial institutions and investors		x	x	x	x			
Video conferences between ICT hubs in three beneficiary countries		x		x		x		x
IP awareness material for computer science students			x	x				
Mentoring program		x	x	x	x	x	x	
IP toolbox for mobile applications		x	x	x	x	x	x	
Online platform		x	x	x	x	x	x	
Final workshop in the three beneficiary countries						x	x	
Final coordination meeting with national focal points								x
Project self-evaluation								x

* Subject to approval of the project budget for 2019 by the Program and Budget Committee.

[End of Annex and of document]