

Intellectual Property Audit Tool

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Intellectual Property Audit Tool

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INTELLECTUAL PROPERTY AUDIT TOOL

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INTRODUCTION

PART I. WHAT IS AN INTELLECTUAL PROPERTY AUDIT?

The intellectual property audit (IP audit) is a management tool for the assessment of the value and risk of intellectual property assets. In the 1990s IP audits became a common business practice in the private sector.

Growing awareness of the importance of development and management of intellectual property assets for national economies has encouraged a recent trend to conduct public sector IP audits on a national or regional basis.

A public sector IP audit assesses the existing support infrastructure and pre-conditions for IP asset development and management in a country or region. That may be the first step in a broader process of defining a national or regional strategy for knowledge-led growth.

The IP audit responds to the question “where are we?” to help define “where we want to be”.

The guiding principle of the public sector IP audit is the public interest. Its objective is to gain a comprehensive view of the environment for the development of IP assets and not to catalogue and evaluate specific assets (in fact, such a catalogue would be undesirable, as it could pose risks of disclosure and loss for IP asset owners who have not yet obtained legal protection).

PART II. WHY IS AN INTELLECTUAL PROPERTY AUDIT USEFUL?

The IP audit, once completed, should provide a significant volume of data and analysis that addresses how well a country or region is equipped to participate in economic growth based on intellectual property assets. It should give an objective, comprehensive picture of existing strategies, infrastructure, capacity, need, institutions, competitive advantages and challenges. Such data and analysis are a precondition for defining realistically attainable economic and development objectives.

As a first step in developing an IP strategy the IP audit unifies all the parties in the process (governments, private sector and academia) and confirms their commitment to the process. In most cases it is a long-term process, requiring human and financial resources.

The information collected during the IP audit, such as interviews, written responses to the questions, research and thorough observations, is the basis for an in-depth analysis of the current situation, definition of the strategic, public interest objectives and recommendations for their achievement.

PART III. WHO MANAGES THE INTELLECTUAL PROPERTY AUDIT?

The IP audit process can be initiated, implemented and evaluated by different actors. Some countries utilize a State Auditor to initiate the process. In the case of Australia, for example, it was on the basis of regular public audit activities that the Auditor General presented an audit report on the management of intellectual property in the Australian public sector. That audit report became a part of a State strategy.

In the countries where such a public function does not exist or where a different approach is preferred, interdisciplinary *ad hoc* governmental bodies, such as interministerial committees and expert working groups, may be established for the execution of the entire process of strategic planning, including an IP audit.

The formation of an interministerial committee demonstrates a political commitment to supervise, review and support the IP audit and the strategic plan. That committee may be composed of high-level officials who will ultimately be responsible for receiving, assessing and implementing the recommendations in their respective ministries.

At a senior working level, an interdisciplinary working group can be appointed to gather information to respond to the questions in the IP audit. The working group may conduct interviews and collect documentation from several ministries including education, health, environment, finance, justice, commerce, and science and technology.¹

The audit may also be coordinated by an expert consultant who reports to a senior level official or to the interministerial committee.

PART IV. WHAT IS THE INTELLECTUAL PROPERTY AUDIT TOOL?

Recognizing the importance of that process, many governments and public institutions have recently developed and utilized IP audits as an economic management tool. The World Intellectual Property Organization has developed the WIPO IP Audit Tool as a flexible guide available to its Member States.

The IP Audit Tool was created as a suggested guideline, and may be modified and adapted to respond to the specific needs of each country or a region. It is in the form of a questionnaire and organized according to the different types of subject matter. The guideline includes examples of various relevant practices and policies.

The role of WIPO in the IP audit process is to support its Member States in their efforts, to provide expert guidance upon request, to facilitate communication with other international organizations, international experts and international private sector, to assist in evaluation of the results and to take part in follow-up activities.

1. The working group will have the opportunity to compile and exchange the information gathered, as well as to discuss the significance of the data, so that the process may be valuable in terms of increasing awareness within the group, developing a cohesive and interdisciplinary group with a common base of knowledge, refining the audit process and developing an emerging consensus about the challenges and opportunities of intellectual asset management in the country. In this process, professionals from WIPO or external experts may provide a support function.

PART I. PLANS, STRATEGIES, AND POLICIES RELATING TO INTELLECTUAL PROPERTY

Written strategic plans at the governmental level for IP asset development and management, including comprehensive Plans of Action (specifying objectives, mechanisms, actions, etc.), fully integrated with national plans concerning the economy, development, education, trade, etc.

QUESTIONS

1. Is there currently a national intellectual property strategy, plan or policy in the country?
2. Is there a national “innovation plan”? (The term is sometimes used to refer to a plan to stimulate science, to promote inventions in research institutions and to support education excellence. See examples at the end of this Part).
3. Is there a national strategy, plan or policy for research and development (R&D) or science and technology?
4. Is there a national strategy, plan or policy for industrial development or economic development?
5. Is there a national strategy, plan or policy to promote cultural industries and creativity?
6. If the answer is yes to any of the above, please identify the title, date and author of the document and any other relevant information about its status, its degree of implementation and challenges relating to it. Please submit a copy of the document to the Working Group.
7. Is there a regional strategy or plan in which the country is participating for any of the matters identified above in response to questions 1 to 5? If so, please identify title, date and author of the document and submit a copy to the Working Group.
8. Do any of the documents referenced in the replies to questions 2 to 7 refer to IP as an element of the plan?

9. Do any of the documents referenced in the replies to questions 1 to 7 refer to IP (or protection of research results or both) as an economic asset that can be developed, owned and managed?
10. Has any document expressed a commitment at the senior levels of government to supporting national researchers, inventors, businesses and academics in creating, owning and exploiting the results of their research?
11. Is there an awareness in the Government at a senior leadership level that intellectual property assets have economic value because IP asset owners may demand payment of royalties, that they affect the price at which goods are sold or purchased and that they influence corporate valuation? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*

EXAMPLES

(In alphabetical order of countries cited)

- In **Australia**, a number of IP policy papers were issued to address the question of how the results of R&D could best be protected and exploited. “Management of Intellectual Property in the Public Sector”, a presentation by the Auditor-General for Australia, is one of the most informative papers in which the Auditor-General urges Government agencies to understand the importance of IP management in the public sector. See at <http://www.anao.gov.au/WebSite.nsf/Publications/4A256AE90015F69B4A256B6D00086450>

The strategy “*Backing Australia’s Ability - An Innovation Action Plan for the Future*” was introduced by the Australian Government in 2001 in order to strengthen Australia’s ability to generate ideas, undertake research, accelerate the commercial application of those ideas and develop and retain Australian skilled human resources.

The implementation of this initiative is overseen by a Science and Innovation Ministerial Council chaired by the Prime Minister and advised by the Chief Scientist. Ministries involved in this national strategic undertaking are: Ministry for Education, Science and Training; Ministry for Industry, Tourism and Resources; Ministry for Communications, Information Technology and the Arts; Ministry for Health and Ageing; and Ministry for Agriculture, Fisheries and Forestry. (See <http://backingaus.innovation.gov.au/default2001.htm>)

Building on the initial 2001 *Backing Australia's Ability*, the Government launched "*Backing Australia's Ability - Building Our Future Through Science and Innovation*" in May 2004 (See <http://backingaus.innovation.gov.au/default2004.htm>). This new strategy further strengthens the Government's commitment to innovation and its commercialization for wealth creation, one of the Government's strategic priorities. Together the two strategies constitute a ten-year funding commitment stretching from February 2001 to November 2010.

The major achievements regarding this strategy are summarized in the Australian Government's Innovation Report. The table of contents makes it easy to appreciate how the whole strategy is structured (institutions involved, programs, etc.). For the report "*Backing Australia's Ability 2003/04 - Real Results, Real Jobs*" see <http://backingaus.innovation.gov.au/docs/BAA03-04.pdf>

- The Government of **Canada** launched an Innovation Strategy to increase public and private investment in knowledge infrastructure to improve Canada's research and development performance. The Innovation Strategy was initiated in order to respond to economic challenges and opportunities, to ensure that a growing number of firms benefit from the commercial application of knowledge, and to develop a location brand for Canada and to attract FDI. (foreign direct investment). Based on various statistics including a survey of IP commercialization in the higher education sector, the first strategic document stressed the importance of a clear IP strategy at universities particularly with regard to publicly funded projects (see "*Achieving Excellence: Investing in People, Knowledge and Opportunity*"). Another relevant document entitled "*Knowledge Matters: Skills and*

Learning for Canadians" is also useful to read in order to understand the motivation behind the Canadian Government's initiatives to increase the knowledge level of nationals and immigrants through superior education and coordination among relevant authorities. Both papers are available at <http://www.innovationstrategy.gc.ca/cmb/innovation.nsf/pages/index>

- **The People's Republic of China** has a clear national strategy of IP. In March 2003, the Premier addressed the Congress. In his annual report, the role of IP was stressed in the context of harnessing national brands and international competitiveness, as well as in the context of scientific and research activities promotion. It is important to win proprietary IPRs in key areas and to facilitate a faster transition from research achievements to enhanced productivity. Please see Section 4 ("Deepen economic restructuring and open still wider to the outside world") and Section 6 ("Conscientiously implement the strategy of national rejuvenation through science, technology and education and the strategy of sustainable development") of the Premier's annual report which has been translated into English and published at http://english.peopledaily.com.cn/200303/19/print20030319_113574.html
- **Denmark's** strategy "*Industry Policy in Denmark. New Trends in Industrial Property Rights*" emphasizes the need for faster and cheaper means of protecting inventions, trademarks and industrial designs. It also states that legal protection for IP should be developed in conjunction with technological development and growth of a knowledge-based economy. See <http://www.dkpto.dk/en/publications/reports/indu%5Fpolicy/index.htm>
- **Japan's** "*IP Strategic Policy Outline*" discusses the need to enhance gross domestic products and exports by increasing enterprise revenues on IP-based exports, to enforce IPRs so as to comply with international obligations, to enhance regional and international trade opportunities by harmonizing laws so as to reduce trade impediments, to stimulate human capital development and retention in key industries and to turn information/knowledge into a significant source of national wealth. See at http://www.kantei.go.jp/foreign/policy/titeki/kettei/020703taikou_e.html

In July 2003, the Government of Japan established the “*Strategic Program for the Creation, Protection and Exploitation of Intellectual Property*,” a comprehensive compilation of measures for the creation, protection and exploitation of IP involving the State, local government, universities, public R&D institutes and enterprises. See http://www.kantei.go.jp/foreign/policy/titeki/kettei/030708f_e.html

- **Hungary** has a clear national plan on IP and R&D promotion. Several relevant government agencies coordinated policies that aim to encourage R&D, SMEs, ICTs, innovation and IP activities. The premise is that integration of different policies in a coherent national plan will contribute to the enhancement of competitiveness in certain prioritized industrial sectors or clusters (such as information technology) through the government support of R&D, loans for promoting the filing of patents abroad, amortization policy (financial incentives), strategic distribution of responsibilities among relevant government agencies and significant increases in R&D funding. It is to be noted that this plan and policy integration seem to be based on a statistical analysis of SWOT (Strength, Weakness, Opportunities and Threat) in the Hungarian economy in comparison with OECD countries (particularly EU countries which Hungary joined on May 1, 2004). See “*Building Innovation Policies and Programs*” presented by the Ministry of Education at <http://trendchart.cordis.lu/Reports/Documents/Balogh%20HU.ppt>
- The **United Kingdom** Government DTI (Department of Trade and Industry)’s “*Science and Innovation Strategy 2001*” may be seen at <http://dtiinfo1.dti.gov.uk/scienceind/strategy.pdf>

PART II.

GENERAL DATA AND METRICS

This Part of the IP Audit Tool is to be used to compile statistics and data on fields closely related to IP and IP assets development and management, such as information on patent and trademark applications, technology transfer and trade, royalties, foreign direct investment, economic value/valuation and revenues attributable to IP, etc. Those data may be useful to assess trends and patterns, to serve as a basis for objective-setting, and for the development of indicators to evaluate the National IP Strategy and to assess future strategies.

QUESTIONS

12. What data exist to measure the current and historical ownership of patents, copyrighted works, trademarks and other IP by nationals and by foreign parties? What do those data reveal in terms of trends relating to applications and granted IPRs? For example, in the last five years has there been an increase in the filing of applications by local inventors or businesses?
13. What percentage of the gross domestic product is committed to R&D? If possible, provide historical data to show trends over the last ten years.
14. Please provide any data on (a) current educational and literacy levels in your country and (b) historical trends in the last ten to 20 years.
15. In what fields of study are graduate degrees offered? For each university and/or institution of higher education, state the number of undergraduate and graduate students in each field of study.
16. What is the current number of scientifically or technologically trained persons per thousand residents? Looking at the data for the last ten to 20 years, is there a trend towards an increase or decrease in scientific education? Is that data available by sector (e.g. IT, medicine, mathematics, etc.)?
17. What is the current number of persons who are employed in scientific or technological jobs? Does the number of trained persons meet, exceed or fall short of the demand in the job market?

18. Are statistics maintained as to the current number of performers, musicians and other professionals in artistic fields per thousand residents? Is it possible to estimate such data? If so, please provide the data or estimate. Is there a trend towards an increase or decrease in culture-related professions?
19. Are statistics maintained as to the current number of persons employed or engaged in graphic design and design per thousand residents? Is it possible to estimate a figure? If so, please provide the data or estimate. Is there a trend towards an increase or decrease? What percentage of those persons are self-employed?
20. What is the current number of persons employed in the field of marketing in academia or business per thousand residents? (This may be an imprecise figure, as marketing may include a number of disciplines, but please attempt to estimate).
21. Please provide data on the business or technical sectors that have contributed the most to the gross domestic product for the last ten years (e.g. agriculture, manufacturing, tourism, services, etc.). Comment on any trends, growth opportunities or challenges that you observe in that area. *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
22. Please provide data on the business or technical sectors that have provided the most export income for each of the last ten years (e.g. agriculture processing). Comment on any trends, growth opportunities or challenges that you observe in that area. *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*

EXAMPLES

- The “*European Trend Chart on Innovation*” at <http://trendchart.cordis.lu/> collects, analyses and disseminates information on innovation policies and statistical reports in all Member States. It includes three main strands: (1) Measurement of innovation performances under the “*European Innovation Scoreboard*” at <http://trendchart.cordis.lu/Reports/index.cfm?fuseaction=ReportInnovationHome>, (2) Analysis of national innovation policies through a network of country correspondents with the result of the “*Trend Chart Country Reports*” at <http://trendchart.cordis.lu/Reports/index.cfm?fuseaction=ReportCAPList&srcArea=4|1>, and (3) Policy workshops to carry out peer reviews of policy schemes. Finally, the “*Innobarometer*” at <http://www.cordis.lu/innovation-smes/src/innobarometer.htm> is an opinion poll or survey conducted by the European Commission. Its main objective is to sound out the opinions of European managers on their companies’ needs in innovation, their investments in innovation and the output achieved. About 3,000 managers in companies employing 20 people or more were interviewed by telephone for each survey.

PART III.

CLUSTERS AND TARGETING

FIELDS OF COMPETITIVE

ADVANTAGE

This Part of the IP Audit Tool identifies and elects clusters or target fields (“Clusters”) in which the country has or could have a competitive advantage. The Clusters help focus IP Asset development efforts in a coordinated manner with education (human resource development and IP professional education) and economic development priorities.

QUESTIONS

23. Would you describe the following as Clusters or potential Clusters (now or in the future): Manufacturing Processes, Agriculture Derivative Products and Husbandry, Alternative Energy, Services, Software Development, Electronics, Materials Science, Photonics, Biotechnology, Tourism and Themed Tourism (e.g. Eco-Tourism, Cultural Tourism), Art, Music? Please list additional areas that you think might be applicable but are not listed here.
24. Have Clusters for R&D been identified by the Government or the private sector as fields where national institutions, individual contributors and enterprises may have a comparative advantage because of education, existing IP, cultural or scientific tradition, traditional knowledge, genetic resources, previous funding commitment, national needs to be addressed, geography, trade patterns, market demands or any other contributing or competitive factors?
25. Are laws or regulations in place that provide financial awards or incentives to encourage R&D and innovation in targeted fields (whether or not they have been identified as Clusters)?
26. Are incentives (fiscal, tax, immigration, etc.) in place to promote local and/or foreign investment in targeted fields or Clusters?
27. Is there an allocation of annual budgetary funding for the development of a scientific career system or similar technical professional programs? If so, are they organized according to Clusters? Is there a Government program to encourage nationals to pursue careers in certain fields or Clusters?

28. Is there a funding program to support use of an IP system by contributing to or paying for the administrative and legal costs of IP protection? If so, please describe.
29. Are you aware of persons who have developed or used systems or approaches of technology forecasting in order to assess trends and patterns in specific targeted fields or Clusters? Do scientists and creators have access to such technology forecasting services provided either by the Government, by academia or by the private sector?
30. Have businesses or institutions developed or used patent mapping and/or competitive intelligence research approaches in order to assess trends and patterns in competition, markets and technology platforms? Do scientists and creators have access to such services provided by the Government, by academia or by the private sector?
31. Is your country in the course of transforming or repositioning old technology so that related new technology can grow and develop (e.g. agriculture processing, secondary products from waste)? If so, please provide examples.
32. Is the country positioning itself to be a country where new technology is developed to meet national and global needs (e.g. energy and water management, environment management, coastal zone management, disaster relief, telecommunications, storage, logistics and transport, etc.)? On a scale of 1 to 10 how would you describe the extent to which any Clusters identified in responses to the previous questions correspond to acute or long-term national or regional challenges, needs, markets or opportunities? *This question calls for a subjective judgment, and it is therefore helpful for the IP Working Group to submit as many opinions and responses as it receives and considers useful input on the subject.*
33. Has regional, sub-regional or Cluster-based cooperation been explored as a way to encourage IP asset development and management?

EXAMPLES

- **Singapore** has identified key clusters in scientific areas, based on national competence, competitive advantage and strategic importance. See at http://www.wipo.int/innovation/en/meetings/1997/avi_ph/doc/ph97_8.doc
- In “*The Philippines’ National Science and Technology Plan, 2002-2020*,” twelve clusters or “long term thrusts” are discussed and identified “based on the forecasts discussed earlier and consultations with S&T experts and various stakeholders (...)”, including agriculture and forestry, microelectronics, materials science, environment, natural disaster mitigation and energy. See <http://www.dost.gov.ph/downloads/NSTP0220.pdf>

PART IV.

HUMAN CAPITAL

DEVELOPMENT

This Part is directed at the policies and programs for human resource development, including those dedicated to promoting overall educational excellence as well as those focused on the specific training needs of the population. Human resource development is important to upgrade the skills related to the Clusters identified in the National Plans (see Part III above), Strategies or Policies relating to IP (see Part I).

QUESTIONS

34. What data exist showing investment in education as a percentage of the Gross Domestic Product?
35. Is public education as well funded as it was ten years ago, relatively speaking? What trends may be observed in terms of the priority and funding given to science and technology education? Would you characterize science and technology education as healthy and growing or as having problems and declining in strength? *This question and some of the following questions call for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
36. What data exist that help assess how well human capital development efforts (education at all levels) are supporting R&D and commercialization of research results in Clusters? Is there a high degree or low degree of congruence between national educational priorities and research and development priorities at the graduate level and in the business sector?
37. Is there currently adequate capacity (numbers of professionals and technical personnel) in key technical and professional fields identified as areas of potential economic growth?
38. Regarding culture and arts education, what trends may be observed in terms of funding, degrees conferred, promotional programs and prioritization? Are there programs for funding advanced studies in culture and arts?

39. In what fields do universities and/or institutions of higher education offer advanced (postgraduate) degrees?
40. Are there programs for funding graduate students in science and technology? Can graduate students in the sciences support themselves during advanced study? Are there adequate postgraduate research fellowships? Is there a problem of underemployment of technical and science graduates? If so, what is being done about it?
41. Are there employment posts at universities or in related institutes for postgraduate researchers in science and technology? Has the number of such posts increased or decreased over the past five to ten years?
42. Is current national, regional or local human resources development in harmony with any Clusters that have been identified in response to previous questions, in particular in Part III? In other words, is the country currently training young persons who can work and innovate in those Clusters? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to submit as many opinions and responses as it receives and considers useful input on the subject.*

EXAMPLE

- After a national review of the state of the **Philippines'** education and manpower development, the Technical Education and Skills Development Authority (TESDA) at <http://www.tesda.gov.ph/> was created to mobilize the full participation of industry, technical and vocational institutions, local government and civil society for skilled manpower development programs of the country's human resources. A major thrust of TESDA is the formulation of a comprehensive development plan for middle-level manpower in accordance with national development goals and priorities in order to attain international competitiveness. For the "*National Technical Education and Skills Development Plan 2000-2004*" see at <http://www.tesda.gov.ph/programs1/ntesdp.asp>.

Also in the Philippines, the Department of Science and Technology (DOST) and the associated Philippine Council for Advanced Science and Technology Research and Development (PCASTRD) have published a list of *"Priority Science and Technology Areas"*, including Biotechnology, Information Technology, Materials Science, Electronics and Photonics. Those areas form the basis for human resource development planning as well as R&D funding decision. See <http://www.pcastrd.dost.gov.ph/>

PART V. BRAIN DRAIN AND BRAIN GAIN

This Part focuses on policies, incentive programs, research facility grants, etc. to combat or reduce the “brain drain” of innovators and creators to other countries, as well as attracting key professionals from abroad.

QUESTIONS

43. Is there a brain drain problem that occurs with your scientifically or technically trained professionals and researchers? Please comment and, if possible, provide data to describe the extent and nature of the problem. Are there any trends over time (e.g. is brain drain increasing or decreasing)? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
44. Is there currently an incentive system or other strategy in place to stop brain drain or to catalyze brain gain (e.g. payments, housing assistance, policies to permit ownership of IP, tax breaks on income from exploitation of IP assets)? If so, please describe it and if there is a written policy available, please submit a copy to the Working Group.
45. How do economic and social rewards for scientific and technical professionals compare with the competitive markets to which those persons may be attracted?
46. Does the phenomenon of brain drain extend to the cultural industries (e.g. musicians, artists, writers, performers, managers, etc.)?
47. Has any study been conducted on how economic and social rewards for cultural creators compare with the competitive markets to which those persons may be attracted? If so, please submit a copy to the Working Group; if not, please offer any relevant data or subjective judgments.
48. In scientific or technical fields, are there incentive programs in place which allow private and/or publicly funded researchers to receive IP ownership or other rewards related to IP as a result of

their work? (For example, a percentage of royalties gained from IP licensing or equity ownership in technology spin-off enterprises)

49. Do cultural creators receive adequate support from either the Government or the private sector for production, marketing and distribution of their works? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit working group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
50. Is there a “brain gain” strategy to attract important scholars, creators, scientists, technologists and researchers in key areas (Clusters) by offering rewards, incentives, posts, etc.? If so, please describe.
51. Is there a “diaspora” strategy to encourage national scholars, scientists and technologists living in other countries to assist in national scientific and technological education and development? If so, please describe.
52. With respect to the responses to the questions in this Part on brain drain, please provide your opinion as to whether the country could do more to address the matter and offer any suggestions. *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*

EXAMPLES

- To attract researchers to Europe and keep talented scientists from leaving the continent, **EU** policy developers outlined in December 2003 short-term and long-term initiatives that enhance career development and ease of working anywhere in Europe. Such measures are especially important in the light of the EU’s objective to increase its overall R & D spending to 3% of the gross domestic product by 2010, a plan “that will require 700,000 additional researchers by the end of the decade”. See <http://www.biomedcentral.com/news/20031215/02> and <http://www.biomedcentral.com/news/20030724/05/>

Ireland has adopted a “brain gain” strategy stating that “the Government of Ireland has realized that building a strong science infrastructure is one of the best investments they can make in the economy of the future, [and] they are aggressively pursuing it”. The strategy is to attract scientists in targeted areas (human resource development related to strategic national key areas): “SFI’s mandate is to spend €646 million (USD \$770 million) between 2000 and 2006 on academic researchers and research teams in biotechnology and information and communications technology”. <http://www.biomedcentral.com/news/20040525/04/>

PART VI.
**SME (SMALL AND MEDIUM-
SIZED ENTERPRISE)**
**POLICIES AND USE OF THE
INTELLECTUAL PROPERTY
SYSTEM**

This part of the IP Audit Tool intends to assess Government support in helping enterprises integrate IP strategies and management into their business plans and corporate planning. Included in such policies are invention disclosure programs, awards for inventions, technology incubation programs, IP audits and measurement, etc.

QUESTIONS

53. What percentage of businesses are Small and Medium-sized Enterprises (SMEs)? Is there a national SME strategy/plan/program?
54. If so, does that program include concrete actions to promote use of the IP system (by filing applications for protection and by using IP as a part of business plans or strategies) by SMEs? Do SMEs have a clear, well publicized, easily accessible and affordable focal point for IP-related questions and requests for assistance?
55. Do SMEs use the national patent, trademark, copyright and other IP systems of protection? If so, what measures exist to assess the degree of utilization? If not, please describe the main reasons for that.
56. Do SMEs use international patent, trademark, copyright and other IP systems of protection, or file for protection in other countries? If not, please describe the main reasons for that.
57. Are there any programs that provide financial assistance (loans, grants, tax credits, funds, guarantees, etc.) for SMEs to offset the cost of filing and maintaining applications and/or legal costs for IP protection?
58. Does SME policy focus on encouraging marketing of products in domestic and/or export markets? If so, does it encourage the use of IP for the marketing and branding of products (for example, trademarks and industrial designs)?
59. Are there export development or promotion agencies/institutions? If so, do they address the use of the IP system for improving access to and/or exclusivity in and/or increasing market

share/profitability in export markets? Do Chambers of Commerce and Industry and civil society organizations (e.g. collective management societies, professional associations) focus on IP needs and concerns of their constituents/supporters and afford some kind of assistance to entrepreneurs and SMEs in this field?

60. Are there training programs for improving the knowledge, skills and competence of marketing and export professionals in using the IP system for improving the export competitiveness of SMEs? Does the Government provide or support the training or human resource development needs of entrepreneurs and SMEs? Does that include focusing on using IP-based strategies for developing, financing and implementing business plans and strategy?
61. Can you estimate to what extent SMEs are engaged in R&D/innovation? Consider here all forms of research and development, however modest. Include improvements to old products and technology, as well as adaptations of new technology to local circumstances and needs.
62. Do SMEs have connections to research institutions and universities so that technology transfer from such institutions can occur? Is there currently a program designed to promote such interactions? If a research institution has developed a product or technology with a potential commercial use, are there generally local SMEs that are capable of and available for applying and further developing the product or technology? Are there any programs available to match capable SMEs with research institutions?
63. Do SMEs have IP policies or strategies that encourage sharing of financial benefits arising out of commercialization of IP assets with employee creators/inventors concerned? Are you aware of any SMEs that have invention disclosure programs where they distribute invention disclosure forms and reward employees for completing such forms? (An invention disclosure form is a confidential, simple and easily completed form that describes an advance or improvement that an employee has made in a technical field which he or she considers may have some commercial value. Often when those

forms are turned in, a company scientific or management committee reviews the form and if it shows promise, the company may reward the employee with a modest payment and recognition in the workplace. If the invention that is disclosed in the form turns out to be patentable, the employee may receive another, more substantial reward. The goal of the forms and programs is to encourage employees to make inventions, however small and incremental, that add value to their work, and also to permit the company management to take appropriate legal steps to protect and secure ownership of the invention) Are there equity award programs to recompense inventors and key employees in technical fields with stock or other ownership? Are there legal vehicles that permit the grant of such rights by enterprises?

EXAMPLES

- The “*Fund for the Promotion of Inventions and Innovation*” (FAPI) aims to promote innovation among African SMEs and assist them in the protection and commercialization of their innovative ideas. FAPI currently operates within the African Organization for Intellectual Property (OAPI), the regional IP Office for French-speaking African countries, and caters to SMEs and inventors from the OAPI Member States. For more information (available in French only) on FAPI, its objectives, main components and beneficiaries of the Fund’s resources see <http://www.oapi.wipo.net/en/index.html>
- **Malaysia** has created several venture capital funds for technology development, including the “*Fund for Small and Medium Industries*” (FSMI) that assists SMEs with the export market and generally with commercialization. See <http://www.irixconsulting.com/Resource/Sources%20of%20Finance.htm> and see also the Cradle Investment Program at <http://www.mavcap.com/>
- “*2002 White Paper on SMEs*” of the **Japan** Small Business Research Institute provides a useful reference (in Chapters 2 and 7) concerning R&D and patenting by SMEs and patenting in relation to University–SME collaboration, see http://www.chusho.meti.go.jp/hakusyo/h14/download/2002english_WP.pdf

PART VII.

INCENTIVE AND INNOVATION PROMOTION LAWS AND PROGRAMS

This Part explores policies and programs to support creativity, inventiveness, innovation and local creation and the ownership and exploitation of IP assets. Those policies and programs may include financial incentives and support for IP Asset development and commercialization in the form of payments, funds to support IP protection, tax incentives, immigration incentives, grants of IP ownership, equity interests in exchange for IP contributions, awards, etc.

QUESTIONS

64. Is there an innovation promotion program? If so, please describe and submit a copy of written documentation to the Working Group.
65. Is there a national or regional funding initiative or mechanism for Government, academic R&D or private sector initiatives?
66. Are there laws or regulations that provide tax incentives to conduct R&D in the country? Are they related to the Clusters (see Part III above)? If so, please identify and submit a copy to the Working Group.
67. Are there laws or regulations that provide immigration incentives for scientists, technologists, researchers or creators or other key human resources to live and work in the country? If so, please identify and submit a copy to the Working Group.
68. If the laws mentioned in Questions 66 and 67 exist, please assess their effectiveness in stimulating and supporting R&D and scientific and/or cultural activity in your country. *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
69. Are economic, fiscal or tax incentives offered for local and/or foreign investment in any of the sectors considered to be Clusters (e.g. specialized agriculture, agricultural processing and packaging, alternative energy, biotechnology, cultural tourism, educational tourism, information technology, etc.)?

70. As a general rule, do inventors employed by enterprise or research institutions receive incentive payments or awards from their employers if they submit an invention disclosure form based on their research results? Are you aware of any such programs?
71. As a general rule, do inventors employed by enterprises or research institutions receive incentive payments or awards from their employers if they file a patent application based on their research results? Are you aware of any such programs?
72. Are there any programs offered by the Government whereby businesses or research institutions receive recognition or awards for filing a patent application? For filing a trademark application? For filing an application for industrial design protection?
73. At universities and/or institutions of higher education, does a professor, student or other academic have any economic incentive for using the IP system (e.g. by filing an application for patent or design protection)? If so, please explain how it works and submit a copy to the Working Group on the provisions regulating such incentives.
74. What could be done to provide business and research institutions with economic, fiscal, tax and other incentives to encourage them to use the IP system and file applications?
75. Have incubation centers and/or science and technology parks been established to assist businesses and R&D centers with IP issues, marketing issues, prototyping and commercialization? If so, what types of services do they provide? How many clients have such centers serviced on an annual basis? For what types of client do such centers provide services, and in what product or technology sectors (e.g. small businesses, individuals, research institutions in XYZ sectors)?

EXAMPLES

- “*The Industrial Revitalization Law by the Ministry Economy, Trade and Industry*” of **Japan** allows firms to own the IPRs gained through Government-funded research (“Japanese Bayh-Dole Act”), and provides for exemptions of commercial law requirements and financial measures such as reduced patent fees for TLOs, low-interest loans and guarantees, tax incentives, etc. See <http://www.meti.go.jp/english/information/data/cIP9971e.html>
- In **Singapore**, “*The National University of Singapore Business Incubator*” (NBI) at <http://www.nus.edu.sg/nvs/incubator.html> aims to nurture new business ventures, encourage innovation and develop entrepreneurial skills among staff and students. It provides on-site consultants who help develop business plans and set out strategies, network with the financial community and obtain legal assistance in connection with new ventures.

PART VIII.

MARKET IDENTIFICATION AND

STRATEGY

An essential part of an IP strategy is market definition, which consists in defining where the new technology, product or creative work will be made, used, distributed and commercialized. Sub-regional and regional approaches, policies and networks also provide opportunities for cooperation and cost-sharing in the development, management and commercialization of IP assets.

QUESTIONS

76. What are the current primary export markets for the country? Can you please describe and provide any statistics showing current export markets by percentages of exports in each market and by sector in the last ten years?
77. Are there currently public or private sector services available to conduct market studies and competitive analysis for SMEs, other enterprises, research institutions, government agencies and policymakers? Please identify those services and comment on whether their number and outreach is sufficient to meet the needs. *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
78. Are efforts currently being made to devise means of promoting exploitation of regional and/or subregional trade in IP and/or IP-based goods and services?
79. Are efforts currently being made to devise means of identifying and promoting the exploitation of new export markets, especially in key areas of economic importance (Clusters)?
80. Has an analysis been made of the markets that might exist for the outlicensing of IP assets developed and marketed in key fields (Clusters)?

81. How difficult is it for a national inventor to file a patent application in another country in the region? What are the most important and most common difficulties? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
82. How difficult is it for a national inventor to file a patent application in another country *outside* the region? What are the main and commonest difficulties? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
83. How difficult is it for a national inventor to file a trademark registration in another country in the region? What are the most important and commonest difficulties? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
84. How difficult is it for a national inventor to file a trademark registration in another country *outside* the region? What are the most important and commonest difficulties? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
85. Is any financial or other assistance given to national parties who wish to protect their IP in another country or use an international registration system? Can a researcher apply for and receive a grant to cover the cost and legal fees associated with filing an application for IP protection in another country or using an international registration system (such as the Patent Cooperation Treaty)?
86. Is there any national program or marketing strategy to develop and use a brand for the country as a whole (a national brand) and/or its Clusters, products and services?

87. Do the specialized export development or promotion agencies/institutions in the country focus on the use of the IP system for improving access to and/or exclusivity in export markets and/or increasing market share/profitability in such markets? If not, what strategy is proposed for improving the knowledge, skills and competence of export professionals in the use of the IP system to improve the export competitiveness of local enterprises?
88. Are there marketing resources and skilled marketing professionals available to R&D centers, SMEs, etc. to assist them with market research/studies, new product definition, gathering competitive/business intelligence, targeting markets, advertising, packaging and distributing their goods/services and finding strategic partners, suppliers, licensors/licensees, etc.?

EXAMPLE

- In **Australia**, the IP system was reviewed to ensure effective competition in the market and to encourage creators to develop new processes and to design and market new products. See "*IP and Competition Review Report Summary*" released by the Ministry for Industry, Science and Resources, the Attorney-General and the Ministry for Communications, Information Technology and the Arts at http://www.ipcr.gov.au/finalreport1dec/intro.html#_Toc498833447

PART IX.

BRANDING AND MARKETING

Part IX of the IP Audit Tool looks at policies, programs, incentives and mechanisms that support the marketing and commercialization of IP assets, such as the establishment of IP marketing services in national IP offices in order to counsel and assist institutions, SMEs and traditional knowledge holders. Those services help find commercial applications for IP assets and also serve to define markets and applications for new research results.

QUESTIONS

89. Please describe all the *public* services available that offer branding and marketing services and support, including market studies, branding, graphic designs, logos, etc. Do those institutions provide assistance in registering trademarks or other forms of IP?
90. Please identify any *private* enterprises that offer branding and marketing services including market studies, branding, graphic designs, logos, etc. Do those companies register or provide assistance in registering trademarks or other forms of IP?
91. Are there any technology incubation centers/parks or services in the country? If so, do they provide branding and marketing services (e.g. market studies, prototyping, business plans, competitive technology information services, brand counselling, trademark search, brokering partnerships, etc.)?
92. For a small research-based company, how difficult is it to find a local business partner that can offer expertise in marketing and commercialization in local, regional or international markets? If, for example, a research team has achieved a technical breakthrough in, say, solar energy, whom can they approach to develop a partnership for commercializing that technology and creating a distribution channel for it?
93. Is there currently a national branding initiative for the country? If so, please describe. Is a national brand based on a “knowledge society” theme applicable to your country? Could such a theme relate to specialized products and/or services (e.g. under tourism, educational tourism and cultural tourism)?

94. Is there currently a public or private sector program to develop specialized premium brands (for example, a Chamber of Commerce program to help businesses develop and use specialized brands to enhance the value of products in export markets)? If so, please describe.

EXAMPLES

- The “*Authentic Caribbean*” seal has been developed as part of an initiative by the **Caribbean Export Development Agency** to promote differentiation, whereby genuine CARIFORUM products can be easily identified in the marketplace, increasing their competitive advantage in regional and international markets. The seal is awarded to companies whose export products conform to applicable rules of origin and quality assurance standards, and it applies to companies who supply services as well. See http://www.carib-export.com/index.php3?page_id=5015

- Location branding initiative of **Samoa**. As a part of the Samoa Visitors Bureau’s four-year Tourism Development Plan (2002-2006) to build a sustainable tourism industry, the nation’s new logo (“*The Treasured Islands of the South Pacific*”) and branding have been launched, based on the key factors that attract visitors to Samoa. See <http://www.visitsamoa.ws/>

PART X.

STANDARDS AND

CERTIFICATION

Standards relate to IP because they prescribe levels of performance, interoperability, hygiene, safety and production that must be complied with if business is to be transacted effectively. At the same time, companies often pursue business strategies to own IP that is related to a standard to make it difficult for other companies to comply with the standard without infringing their IP rights; so the other company has either to pay royalties or to comply with the standard. Or the other company may chose to pay royalties for IP that is related to and enhances the technology standard; they are sometimes referred to as platform strategies. Standards are also important for exports because often it is not possible to export goods if the applicable standards are not met (e.g. the export of food products must meet standards, and the export of IT or engineering products must also meet standards). Standards are related to certification because they are often set and used as the criteria for certifying products and services as safe, clean, technically adequate, etc. Certification marks serve as proof to the consumer that the product has met a standard, and thus form the basis for standards bodies and distribution networks.

QUESTIONS

95. Is there any awareness of and/or adequate information available on the relationship between standards and IP?
96. Is there a Government agency that manages the adoption of and use of standards? If there are such agencies, are they specific to a particular industry or technical sector (e.g. agricultural standards as opposed to information technology standards)? Do standards agencies support SMEs, research institutions, etc. in defining and meeting standards?
97. Does the national SME policy/strategy encourage maintaining and improving the quality of production processes and products, for example through the adoption of modern management techniques, methods or criteria such as Total Quality Management (TQM), Continuous Quality Improvement (CQI), ISO 9000 or ISO 14000 or Hazard Analysis and Critical Control Point (HACCP)?

98. Do national standards agencies have a clear policy on notification, licensing/use, exploitation and enforcement of IPRs in the development of mandatory and/or voluntary product standards?
99. In negotiating contracts for the import of supplies and services, do negotiators have knowledge of standards and IP clauses and their meaning?
100. In connection with national planning and economic strategy, especially in considering options for Clusters (see Part III above) has an assessment been made of what IP is owned in potential markets and where industry standards may apply?
101. Are trademarks used to show participation in a consortium, collective organization or network? To show compliance with a standard? To show participation in a joint marketing program?
102. Are certification marks used to show participation in a consortium, collective organization or network? To show compliance with a standard? To show a common marketing program? Is there a special registration for certification marks as distinct from trademarks?
103. Are any technology consortia active in the country at this time? If so, do they have IP policies that are designed to protect IP?

EXAMPLES

- In **Jamaica**, Jamaica Promotions Corporation (JAMPRO) and the Jamaican Bureau of Standards (JBS) established the Modernization Fund for Exporters Hazard Analysis Critical Control Point (HACCP) for medium-term loans to assist agro-processors to comply with this international food hygiene standard. See <http://www.investjamaica.com/sectors/manu/>
- In **India**, the *Food Processing Policy 2002*, with the aim of supporting agri-business, provides for financial assistance and technical support services to be given by various Government agencies. For example, financial assistance includes up to 50% of the cost for quality assur-

ance and quality control systems such as ISO 9000, ISO 14000, HACCP, TQM, etc., in order to promote quality and quality control among agricultural and processed food producers. See <http://www.indiainbusiness.nic.in/indian-states/haryana/foodprocessing.htm>

- To see a marketing program based on a mark that has been implemented by Max Havelaar which shows compliance with certain standards related to trade and employment practices, visit <http://www.maxhavelaar.org/>

PART XI.
INTELLECTUAL PROPERTY
LAWS, OTHER LAWS AND
REGULATIONS AFFECTING THE
INTELLECTUAL PROPERTY
SYSTEM, AND ENFORCEMENT

This Part of the IP Audit Tool deals with (i) substantive laws and regulations conferring or protecting IP rights, including those that keep the country up to date with international commitments and obligations, and those relevant to the country's needs; and (ii) laws and regulations that do not create or protect IP rights but are related to the creation, development, management and commercialization of IP assets and have the practical effect of stimulating IP and knowledge-based economic development.

QUESTIONS

104. Are there currently any problems or deficits in the IP laws or regulations that affect the ability of enterprises, citizens, research institutions and other parties to use the IP system?
105. Is the enforcement of IP laws currently adequate in terms of encouraging local IP owners or potential IP owners and foreign investors to have confidence in the IP system? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
106. Is there an office to which local IP owners can go for assistance, advice or support when they suspect that their rights have been violated?
107. What measures has the country undertaken in the last ten years to strengthen enforcement of IP rights?
108. In addition to basic IP laws, are there any laws and regulations that offer incentives to inventors and creators to use the IP system (e.g., low-interest loans, payments and bonuses, funds for IP-related activities including obtaining IP rights, prototyping and marketing, R&D funds funds for cultural content, production, etc.)?

EXAMPLES

- In April 2002 the **United Kingdom's** taxation system changed and allowed for certain expenditures on IP to be considered tax-deductible to support firms that owned IP assets (see at <http://www.wedlakebell.com/pdfs/Taxation.pdf>). For an overview of this issue, see "Treatment of IP and Goodwill" at http://www.iccwbo.org/home/statements_rules/statements/2003/differences_between_taxation_and_accouting.asp
- In the **Philippines**, "*The Magna Carta for Scientists, Engineers, Researchers and other Science and Technology Personnel in the Government*" (Republic Act of the Philippines No.5439) was passed to address the problem of low incentives for scientists, researchers and other science and technology personnel in Government and other public sectors. In particular the Law allows for the payment of honoraria from consultancy services, share of royalties, hazard allowance, awards, scholarships and grants and other benefits to science and technology workers. It also creates a Congressional Commission on Science and Technology to review and assess, among other things, the state of Philippine human resources development in science and technology. See <http://www.chanrobles.com/republicactno8439.htm>

PART XII.

INTELLECTUAL PROPERTY (IP)

ADMINISTRATION

Effective IP administration is an important element of a national IP strategy. Outreach programs to clients and potential clients of the IP Office should be designed and tested. Organizational development principles can make IP asset development and management more effective by permitting coordination of policies relating to innovation and IP asset development throughout the Government or throughout an enterprise. Such principles may include the coordination and/or consolidation of industrial property and copyright offices; coordination among Ministries or other governmental offices dealing with R&D and IP assets (e.g. Education, Commerce, Justice); institutional use of statutory boards and corporate IP offices; governmental coordination mechanisms for the implementation of national IP plans, strategies or policies (see Part I above); cooperation mechanisms with the private sector (including SMEs), banks and regional organizations, etc.

QUESTIONS

109. Are there IP outreach programs from the IP Office to research centers, universities and institutions of higher education in your country? If so, please describe the programs.
110. Are there adequate resources (financial and human) available to the IP Office to provide outreach services for research centers, universities and institutions of higher education (e.g. patent and technical information services, support in drafting patent claims, prototype support, etc.)?
111. Are there adequate resources (financial and human) available to the IP Office to provide outreach services for cultural industries to assist in developing IP strategies (e.g. trademark selection, licensing negotiations)?
112. Does the IP Office offer value-added information and advisory services to R&D centers, inventors' associations, collective management societies, entrepreneurs and SMEs, including IP audits and assessment, IP strategic counselling, patent drafting services, patent and technical information services and outreach programs for new users? If not, are such services offered by another governmental agency or by the private sector? If not, is there

a plan for developing such services in the Government and/or in the private sector?

113. Is the IP administration/system consolidated in such a way so that industrial property and copyright officers are able to coordinate activities and develop unified IP policy in accordance with national economic, social and cultural goals?
114. Does the IP Office coordinate with Government officials responsible for SME programs? Does the IP Office coordinate with Government officials responsible for R&D? Are regular meetings held between those agencies and the IP Office?
115. Is the national IP system organized in such a way as to encourage coordination between the IP administration and Government officials and ministries responsible for education, industrial policy, cultural policy, trade policy, economic development, science and technology, health and other IP-related areas? *This question calls for a subjective judgment, and it is therefore helpful for the IP Working Group to submit as many opinions and responses as it receives and considers useful input on the subject.*
116. Does the IP Office conduct substantive search and examination? If so, please describe. Does the IP Office outsource any part of its search and examination function?
117. Does the IP Office make use of technical specialists on a national or regional level to provide assistance and expertise in the conduct of search and examination?
118. What databases and/or technical information services does the IP Office use when conducting search and examination? Are any of those resources compiled and developed locally or regionally by private sector or public entities?
119. Does the IP Office offer search services, consulting services or technical information services to the public?

EXAMPLES

- In 1998, **Indonesia** restructured its administration responsible for IP to enhance inter-agency coordination in accordance with its national IP policies. Its IP policies are interdisciplinary and crosscutting. See <http://www.idipr-jica.com/policy.htm>
- *The Innovation Relay Centers* (IRCs) are the largest innovation support network in **Europe** for transnational technology transfer, and they receive important Community support (68 regional IRCs covering 31 countries – 25 EU Member States, the Central and Eastern European countries, Iceland, Israel, Norway and Switzerland). The wide range of IRC services are primarily targeted at technology-orientated SMEs, but are also available to larger companies, research institutes, universities, technology centers and innovation agencies. See <http://irc.cordis.lu/>
- **The Philippines'** Technology Application and Promotion Institute (TAPI) under the Department of Science and Technology (DOST) focuses on helping businesses commercialize their inventions. TAPI provides technical consultancy services, including patenting and licensing services and venture financing. See <http://www.tapi.dost.gov.ph/> and <http://www.tapi.dost.gov.ph/html/ipr.php>

PART XIII.

AFFORDABILITY, SECURITY AND EASE OF USE

This Part of the IP Audit Tool addresses policies and programs concerned with making the IP system more affordable and easier to use for artists, inventors, research institutions, small businesses, non-profit institutions, etc. (e.g. by lowering registration fees or simplifying procedures). Subregional and regional approaches, policies and networks may also provide opportunities for cooperation and cost-sharing in order to increase affordability, security and ease of use.

QUESTIONS

120. How much does it cost to file a patent application in the country? What is the annual cost of maintaining a granted patent?
121. How much does it cost to file a trademark application?
122. What is the annual cost of maintaining a trademark registration?
123. Are the fees identified in items 120 to 122 affordable as a practical matter to users and potential users of the IP system in the private sector (especially SMEs)?
124. Are the fees identified in items 120 to 122 affordable as a practical matter to users and potential users of the IP system in non-profit research institutions and at universities?
125. Is there a discount or fee waiver for SMEs, non-profit research institutions or individual inventors? If so, does the discount realistically address the issue of affordability for users?
126. What is the approximate cost of legal fees for such filings and maintenance? Are such costs affordable for an SME or research institution?
127. Please develop an affordability metric or ratio that assesses the relationship of the cost of using the patent system to the average revenue of SMEs and research institutions.
128. Is there any financial assistance available to potential users (particularly researchers, individual inventors, academic institutions,

research centers and SMEs) regarding the cost of obtaining, maintaining and/or enforcing IP rights?

129. Is it common for SMEs and research institutions to have a budget for the cost of filing patent, trademark and other applications for IP protection?
130. Do potential users of the IP system have confidence in the security of information that is entrusted to the IP Office? Have any expressed concerns that their secret information will be improperly disclosed in the form of an application for protection and thereby put them at a competitive disadvantage? Do they express concern about legal disclosure of information in published patents?
131. Do potential users of the system have confidence that their IP rights will be respected? Or do they prefer to use trade secrets or other methods of protecting their innovations because of lack of confidence that the IP system will work for them?
132. What is the average time that the IP Office takes to decide on a patent application? On a trademark application? On other types of IP application?
133. Is there a procedure for users of the IP system to respond to questions related to applications and to correct errors?
134. How easy is it for potential users of the IP system (especially in universities, research centers and institutes and SMEs) actually to use it? Can they file electronically? Can they find help with questions? Can they obtain the application forms easily? Are the forms easy to read and use?
135. On a scale of 1 to 10 assess how easy, affordable and secure the patent system is perceived to be by potential users. Make the same evaluation of trademark registration and any other IP registration systems. *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*

EXAMPLES

- In **Indonesia** an extensive network of university and research institute-based IP offices has been put in place. The national IP Office, the DGIPR, has identified as one of its key goals: “To foster close and mutual cooperation with R&D institutions and IP management offices at universities in the framework of promoting the national IP regime”. Annual Report 2000, DGIPR, p.36.
- The “*Patent Application Fund*” (PAF) of **Singapore** was set up by the National Science and Technology Board and in a first stage was administered by the IP Office of Singapore (IPOS). Now it is called PAF PLUS and is administered by the Singapore Economic Development Board. The Fund provides applicants with financial assistance to defray the cost of applying for patents in Singapore and worldwide (e.g. fees for filing, search and examination and for the certificate of grant; professional fees for drafting specifications, etc.). This financial assistance aims to encourage Singapore organizations and individuals to register their innovations and inventions in order to gain IP rights and to enhance Singapore’s competitive business environment. See http://www.sedb.com/edbcorp/sg/en_uk/index/startups/startupfinance/patent_application.html
- The Government of the **Philippines** has the Intellectual Property Rights (IPR) Assistance Program, Philippines. This program is addressed to Filipino inventors residing in the Philippines. It assists them in the preparation, filing and prosecution to conclusion of patent applications in the Philippines, as well as with the payment of annual and renewal fees for inventions within Government priority areas that are ready for commercialization. The objective is to encourage inventive activities and investments in R&D by securing for the creators the protection of the rights and interests related to their work in order to facilitate technology transfer in areas of national interest. <http://www.tapi.dost.gov.ph/html/asstinvent.php>

PART XIV.

PUBLIC AWARENESS OF

INTELLECTUAL PROPERTY

This Part of the IP Audit Tool explores public awareness programs and IP mass communication programs (radio, TV, newspapers, special magazines and publications, etc.) addressed to the general public. The objective is to make IP and its role in economic development more understandable.

QUESTIONS

136. What is the level of public awareness of the purpose and use of the IP system (high, medium or low)? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
137. Is this awareness level different (higher or lower or the same) in research institutions, universities and SMEs?
138. Are there programs that increase awareness of the value of intangible assets, including IP (e.g. radio broadcasts, awards programs)? Are there public awareness programs that explain how inventions and creativity are national assets? Are they communicated in schools and workplaces?
139. Do teaching/training programs of engineers, scientists, economists, lawyers and managers provide insight into the use of the IP system?
140. In the training of craftsmen, artisans, visual artists, agriculturists/farmers, new product developers, researchers, scientists, software professionals, technologists, entrepreneurs, designers, managers and key staff of SMEs, chief executives of enterprises, are there any types of training that address the relevant practical aspects of an IP system?

EXAMPLES

- In the **European Union**, the *IPR-Helpdesk* provides comprehensive information on intellectual property rights (IPRs) through different sections and documents. The user can for instance find various IP guides in the *IPR-Helpdesk*, such as monographs on the basic features of any IPR. The thematic pages offer a selection of documents on relevant IPR issues, such as patent searching strategy, IP valuation, licensing and other interesting briefing papers. See <http://www.ipr-helpdesk.org>
- A useful document on policy approaches to copyright in higher educational institutions in the **United Kingdom** may be seen at <http://www.strath.ac.uk/ces/projects/jiscipr/report.html>

PART XV.

PROFESSIONAL EDUCATION

IN INTELLECTUAL PROPERTY

For the IP system to be used, there must be a certain number of key personnel who are trained and have a practical and strategic understanding of IP and its relation to the development of knowledge-based economies, including lawyers, patent agents, trademark agents, IP Office outreach officers, IP searchers and examiners, licensing experts and negotiators, trained enforcement personnel, IP-aware members of the judiciary and policy-level advisers and decision-makers. Skills in technology management, marketing and distribution are also relevant and, for cultural industries, persons trained in cultural industry development, marketing and distribution are important.

This Part of the IP Audit Tool examines to what extent those personnel already exist and to what extent training programs are in place.

QUESTIONS

141. How many patent agents or patent attorneys are there in the country? Of that number, how many have been trained and are competent to draft patent claims and file original applications for protection?
142. Are the services of the persons identified in reply to question 141 affordable for potential users in the country (in particular SMEs, research institutions and individual inventors)? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
143. Are there professional training programs for patent agents or patent lawyers?
144. How many licensing professionals are there in the country? Are their services affordable for potential users? *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.* Are there professional training programs to develop licensing skills? Do professional organizations exist in the licensing field?
145. How many trademark lawyers or trademark agents practise?

146. Of those, how many are knowledgeable on the means of conducting opposition proceedings or trademark litigation?
147. Are there currently interdisciplinary training programs in policy and business that relate IP to other fields (e.g. IP and business, trade, health, agriculture, culture, environment and so on)? Is there a program on "technology management" at any university? If so, does it include IP asset management as a topic for study?
148. Are there currently an adequate number of IP counsellors who can provide counselling on legal and business aspects of IP in practice? How many is that?
149. Are there currently professionals in your country who can provide legal, financial or other services related to IP valuation? How many? Are there training programs in that field?
150. Are there currently professionals who can provide services-related IP and technical standards? How many? Are there training programs in that field?
151. Are there currently persons who can render business and management services to an artist, musician or designer who wishes to commercialize his or her art? How many? Are such persons employed by the Government or in the private sector? Is there a shortage of such business advisers or managers, or is the number adequate to meet demand?
152. Are there currently professionals who can provide marketing, branding or other services related to commercialization of IP-based products and services? Is there a shortage of such marketing professionals, or is the number adequate to meet demand? Are there training programs in that field?
153. Are there institutions of higher learning that provide legal or specialized training in IP? Are there institutions of higher learning that provide training in technology management? Please identify and describe the training available. If there are no such training programs, are there such programs elsewhere in the region that are accessible?

EXAMPLES

- *The International Intellectual Property Training Institute (IIPTI)*, a sub-organization of the Korean Intellectual Property Office, was established in 1987 with the full support of the Government of the **Republic of Korea**, which perceived the growing importance of IPRs in the knowledge and information-based societies. The establishment of IIPTI brought the first training institute of its kind in the field of IPR to the Asia-Pacific region. See <http://www.kipo.go.kr/english/whatsnew/iiptinews/content.asp?an=424>
- In 2003 **Singapore** created the *IP Academy* as the focal point of education and research in the field of IP. The IP Academy established strategic linkages with the institutes of higher learning in Singapore in order to help build an environment supportive of the creation, protection and exploitation of IP assets. See <http://www.ipacademy.edu.sg/>
- The Asian Institute of Technology teaches technology management, emphasizing and interdisciplinary approach to advanced technology. See <http://www.sat.ait.ac.th/mission.shtml>
- In **Sweden**, Chalmers University Center for Intellectual Property emphasizes a practical and interdisciplinary approach to technology management: “CIP is a competence center founded by Gothenburg University and Chalmers University of Technology, and is situated at the crossroads of management, economics, law, and technology (MELT). This convergence is a necessary part of the evolution of industry, academia, and society as we enter a world that is more and more dependent on knowledge structures in determining ownership rights, market success and social welfare”. See <http://www.cip.chalmers.se/>
- **Japan** promotes the introduction of graduate courses, undergraduate courses and subjects on intellectual property, making intellectual property education attractive. See “Strategic Program for the Creation, Protection and Exploitation of Intellectual Property” (2003) above.

PART XVI.

FUNDING

Inventors and creators need financing in order to commercialize and distribute their technology and works. In many countries, both developing and developed, a venture that is IP-rich but poor in tangible assets ("IARV") often has difficulties in finding a commercial bank that will finance it. Venture capital funding or private investors are one alternative. Public banks and development banks may be another, providing insurance or funding guarantees that will stimulate investment by more conservative funders. IP assets may be recognized as collateral, thereby making it easier for the IARV to secure the seed money and bridge funding that it needs.

QUESTIONS

154. Please identify all funding sources in the country that are currently available to finance and provide credit for IARVs.
155. Is there a Government funding facility targeted at financing for IARVs, SMEs and research start-ups in technical fields?
156. Is there a Government funding facility targeted at financing for IARVs, SMEs and start-ups in cultural industries such as music, art, handicrafts and specialized textiles?
157. Are there currently any loan guarantee programs that will guarantee lenders' investments in IARVs and other R&D-based companies and projects (for example, a loan guarantee program by a development bank or public venture fund that will back private investors in the event of default)?
158. Have any efforts been made to encourage international or regional development banks to invest in local technology development or cultural industries? If so, please describe. Are development bank technical assistance projects analyzed and assessed in order to identify opportunities for local IP ownership (e.g. in a project to construct a water treatment facility using local and international experts, what parties will own the intellectual property that is created in the course of the project)?

159. Do commercial banks currently lend money to IARVs? Do they lend to local SMEs? If not, why not? What are the practical obstacles to bank loans to such enterprises?
160. Are there currently any legal, legislative or regulatory incentives for investors to invest in IARVs, SMEs or in other research-based companies (e.g. tax deductions, special funds, guarantees)? Is there currently discussion or consideration of such measures? If so, please describe and specify.

EXAMPLES

- With the ultimate objective of supporting innovative entrepreneurs in Europe, the **EU** Member States have adopted the Gate2Growth Initiative as part of the Innovation/SMEs Program to provide “access to private innovation financing and tools for better knowledge exploitation”. In addition the Initiative focuses on helping important support players - such as early-stage technology venture capital investors, managers of technology incubators and managers of industrial liaison and technology transfer offices linked to universities and research centers - to improve their capacity for assisting entrepreneurs by networking and exchanging information and good practice at the European level. See <http://www.cordis.lu/finance/src/g2g.htm> and <http://www.Gate2Growth.com/>
- **Malaysia** has created several venture capital funds for technology development, including the Technology Acquisition Fund (TAF), the Commercialization of R&D Fund (CRDF), the Fund for Small and Medium Industries (FSMI) and the Malaysia Venture Capital Management Fund. The last-mentioned focuses on “spearheading the country’s change towards a complete knowledge-based economy before 2020”. See <http://www.miti.gov.my/industry/taf.htm> and, <http://www.matrade.gov.my/exporter/other-financial/fs-grant-crdf.htm>, http://www.maybank2u.com.my/business/other_services/enterprise_banking/maybank/fund_for_smi.shtml and <http://www.mavcap.com/>

PART XVII.

VALUATION

Valuation of IP means determining the economic value of different types of intellectual property in an existing company or in a new enterprise. Valuation methodologies are important, because funding institutions are often willing to consider investment in research and innovation-based companies, but lack the methodology with which to assess the value of IP assets. They may also lack personnel who know how to assess the value of their IP.

QUESTIONS

161. Does the Government encourage enterprises in some way to assess the value of IP rights and does it provide assistance in understanding the ways in which IPRs may be valued?
162. Is there a national law on the securing of future royalty streams linked to intangible assets (e.g. accepting as security for a loan the future revenue or accounts receivable that will be derived from a licensing contract for a trademark or a patent)? If so, (i) Does any public authority, such as an accounting standards board or tax authority, have the power to value future royalty streams? (ii) Does industry employ different valuation methods?
163. Are there public or private financing institutions that accept IP as collateral for loans?
164. Is IP valuation taught in law or business school at universities or institutions of higher education?
165. Is there an accepted methodology or set of methodologies for valuing IP held by companies where the company is at an early stage and the IP has not yet generated a product or a revenue stream from licensing?
166. Are there legal impediments to financial institutions accepting IP as collateral or using IP valuation to make financing decisions?

EXAMPLES

- **Denmark's** strategy document "*Industry Policy in Denmark. New Trends in Industrial Property Rights*" states in Chapter 5 that Danish companies must be aware of and exploit the potential of the IP system. For that purpose it will be necessary for the Government to encourage enterprises to assess the value of their IPRs and to promote the development of more reliable methods of valuation. See <http://www.dkpto.dk/en/publications/reports/indu%5Fpolicy/kap05.htm>
- The need and importance of IP valuation is highlighted for **Japan's** IP exploitation strategy, set out in Japan's "*IP Strategic Policy Outline*" at http://www.kantei.go.jp/foreign/policy/titeki/kettei/020703taikou_e.html
- **Singapore** promotes IP assets management and its IP Office's website provides several online services to support entrepreneurs in understanding IP asset management. With regard to IP valuation, a web-based tool called "SurfIP" provides a so-called "TRRU Online Valuation Tool", an online IP valuation service to enable IP owners to obtain, quickly and affordably, a close estimate of the value of their IP. See <http://www.pl-x.com/3.2.pressreleases.12032001.shtml> and http://www.surfip.gov.sg/sip/site/sip_overview.htm

PART XVIII.

LICENSING

Licensing is the granting of rights by one owner of IP to another to permit the other party to exploit certain aspects of the IP rights in exchange for payment of royalties or other value. Licensing-in is a useful way of gaining access to proprietary technology in some cases, often referred to as “technology transfer”. Licensing-out is a way of receiving an economic return on investment in R&D/creativity in the form of royalties or payments.

QUESTIONS

167. Is there a list or database of licensing contracts in the country?
168. Do universities and institutions of higher education have the infrastructure to support the licensing of their IP? Have universities and institutions of higher education engaged in any licensing-out of intellectual property?
169. Has any other publicly funded research and/or teaching institution engaged in any licensing-out of intellectual property?
170. Are there currently any trademark licensing programs involving local entrepreneurs in cultural industries (e.g. publishing)?
171. Are there any book publishing, educational publishing or other publishing industries in your country? Do they distribute works of authorship (e.g. books, textbooks) using distribution licenses?
172. What companies use distribution licenses to distribute products in local markets? Can you identify companies that have successfully made use of electronic distribution over the Internet or electronic licenses as a sales and marketing strategy? Are there any Government or private-sector programs aimed at promoting online transactions?

EXAMPLES

- In **Guyana**, the Institute of Applied Science and Technology (IAST) and the Council for Scientific and Industrial Research of India (CSIR) have developed a technical cooperation program under a bilateral agreement between the governments of Guyana and India to facilitate the transfer (licensing) and implementation of commercial technology from India to Guyana. Guyana is interested in some of the technology available in India, particularly that related to bricks, blocks, tiles, water purification, aromatic and medicinal plants, leather, pottery and metalwork. Since the signing of the agreement in 2002, 50 companies, both foreign and local, have sent in requests to IAST for various types of machine. See http://www.iastguyana.org/iast_csir_mou.pdf
- In **Japan**, the *Center of Advanced Science and Technology Incubation* (CASTI) is a technology transfer organization established by the University of Tokyo. CASTI's website introduces the various activities (e.g. protection of IP rights, marketing, licensing, distribution of royalties, etc.) which are undertaken free of charge by the Center on behalf of researchers, to enable the most suitable users for IP developed by those researchers to be found. Also the website provides several success stories on university-to-industry technology licensing (under "News and Report"). See <http://www.casti.co.jp/english/about/>
- The **Philippines** Technology Application and Promotion Institute (TAPI) under the Department of Science and Technology (DOST) focuses on helping businesses commercialize their inventions. TAPI provides technical consultancy services, including patenting, licensing services and venture financing. See <http://www.tapi.dost.gov.ph/>

PART XIX. PATENT INFORMATION USE AND TECHNICAL INFORMATION SERVICES

This Part of the IP Audit Tool explores the provision of the information contained in patents and other technical documents through electronic and other databases, as well as the promotion of its use, for example in order to access the state of the art, to promote technological development, to survey prior art before filing, to undertake patent mapping and technology forecasting, etc. Patent information may be used in developing new technology and improvements, provided that the patent at issue is not in force in the market where products utilizing it will be made.

QUESTIONS

173. Is there much public awareness that patent information may be accessed free of charge on the Internet?
174. Does the IP Office offer training to universities and other researchers on free patent information from public sources?
175. Is there a technical information service in the country? Does the IP Office offer a technical information service (in particular Cluster areas for the country)?
176. Do any private companies offer patent information or technical information services?

EXAMPLES

- The SurfIP website of the Intellectual Property Office of **Singapore** (IPOS) (www.surfip.gov.sg) contains SurfIP Research, an IP portal that offers users an advanced free search facility for consulting patent databases. For example, it allows multiple sources to be searched in a single operation (it accesses databases of the European Patent Office (EPO), the United Kingdom Patent Office (UKPO), United States Patent Office (USPTO), WIPO and more). See http://www.surfip.gov.sg/sip/site/sip_home.htm and http://www.surfip.gov.sg/sip/site/sip_aboutus.htm
- See <http://www.uspto.gov>
- See <http://www.espacenet.com/>

PART XX.
**UNIVERSITY AND RESEARCH
AND DEVELOPMENT (R&D)
CENTER PROGRAMS AND
SUPPORT**

This Part examines the programs and policies available to support universities and R&D institutions with the protection and exploitation of their research results, e.g. through technology licensing offices (TLOs) or IP management offices.

QUESTIONS

177. Do any local Research Centers (RCs) including universities, institutes and R&D centers, both public and private, currently own any patents? Trademarks? Other IP?
178. What is the current status of IP asset development, management and use in those RCs (including appropriation of research results, valuation of IP assets, marketing and licensing, patent information use, etc.)? Is there a written national policy on IP for publicly funded R&D centers so that those institutions can handle IP? That includes IP policies and rules related to academic-private sector cooperation and sponsored research; incentives for researchers to protect research results; disclosure forms; and designation of units responsible for academy-industry collaboration.
179. Do the research centers have the infrastructure support or institutional mechanisms (e.g. technology licensing offices, IP-related services, business/technology incubators, science/technology parks, innovation centers, new product development centers, prototype development centers, testing centers, etc.) or other types of assistance, provided either to support the development, management and commercialization of IP assets by those research centers or to strengthen the links between the publicly funded science/R&D and the private industrial sector?
180. Do universities and research centers have IP policies? What are the current challenges facing those policies?
181. To what extent do researchers publish before having secured IP protection, thereby damaging their ability to protect their research results through their patents?

182. To what extent do researchers accept sponsored research contracts where IP rights are waived in exchange for extrabudgetary funding? How many sponsored research projects are under way where IP rights have been waived for extrabudgetary funding? To what extent do such researchers engage in funded or joint research projects where IP rights are not clarified? Are decisions to permit sponsored research projects in respect of which IP rights are not clarified, or are actually waived, elevated to a senior level at the university or research institution?

EXAMPLES

- In September 2001 **Australia** issued a national policy framework and principles of IP management for publicly funded research. See <http://www.nhmrc.gov.au/research/general/ipman.pdf>
- The Industry and Technology Relations Office (INTRO) of the National University of **Singapore** (NUS) manages and protects NUS intellectual property and seeks to maximize the returns from technology developed at NUS, facilitating interaction between industry, research organizations and Singapore Government agencies. INTRO manages a technology portfolio containing about 250 items. It has also negotiated 150 licensing agreements and has made it possible for 32 spin-off companies to be formed from within NUS. See <http://www.nus.edu.sg/intro/> and http://www.wipo.int/innovation/en/meetings/1997/avi_ph/doc/ph97_6.doc
- During 1999, Oxford University was awarded one of 15 seed funds that have been established as part of the **United Kingdom** Government's University Challenge Seed Fund Scheme. The aim of the Scheme is to fill a funding gap in the UK in the provision of finance for bringing university research discoveries to a point where their commercial usefulness can be demonstrated and the first steps can be taken to ensure that usefulness. It supports the commercialization process in a number of ways, by securing or enhancing IP, by supporting additional R&D, by constructing prototypes and by preparing business plans covering legal costs, etc. See <http://www.isis-innovation.com/researchers/UCSF-1.html>

**PART XXI.
TRADITIONAL KNOWLEDGE
(TK), GENETIC RESOURCES
AND FOLKLORE
COMMERCIALIZATION**

This Part of the IP Audit Tool relates to outreach programs to engage local communities in training and education in the means of protecting traditional knowledge (TK), genetic resources and expressions of folklore using IP laws; to public and private organizations working to provide those communities with support and expertise for traditional knowledge commercialization; and to the experience of holders of traditional knowledge and folklore with commercial exploitation by in the form of licensing, sale or other business transactions that bring economic value to the community.

QUESTIONS

183. Are there any instances of inventions based on TK or genetic resources that have been protected under national or foreign IP laws?
184. Are there any instances of works based on TK or folklore that have been protected under national or foreign IP laws of copyright as original works interpreting older sources?
185. What institutions, public or private, exist to promote and protect traditional culture, art, knowledge, folklore and genetic resources?
186. What instances of foreign commercial exploitation of local traditional culture, art, knowledge, folklore and genetic resources are known to you? Was compensation received?
187. Do local parties participate in any databases or other programs that disclose and/or document TK, folklore or genetic resources that might carry the risk of valuable information being disclosed?

EXAMPLES

- The **Belize** Indigenous Training Institute (BITI) was established to provide training and services in the areas of community economic development and capacity-building. The outcome of BITI, once skills are enhanced, is for Inuit and indigenous peoples of Belize to engage in larger, long-term joint ventures. Among the projects publicized by BITI are: production and marketing of exotic bush furniture; traditional healers, medicinal farming for traditional use and commercialization of various products; citrus farm management, production and marketing; training in capacity-building (project development, proposal writing and fundraising) and institutional development (including office management, computer science, administration and planning); and an R&D project on the reintroduction of traditional Maya agriculture. See <http://www.inuitcircumpolar.com/index.php?ID=42&Lang=En>
- Patent protection of medicines derived from traditional medicine is one of the important means of protecting traditional medicine in **China**. See http://r0.unctad.org/trade_env/test1/meetings/delhi/Countries/text/CHINAspeech.d

PART XXII.
CULTURAL ASSETS AND
INDUSTRIES DEVELOPMENT
TOURISM AND FINANCING

In many countries cultural industries make significant contributions to the economy by contributing to Gross Domestic Product, job creation and export generation. In this Part, the IP Audit examines policies, programs, activities and funds to support creators and cultural industries.

QUESTIONS

188. Is there a national policy for development, promotion and support of cultural industries in the fields of music, art, handicrafts, dance, and other art forms?
189. What are the key areas where culture-based industries exist today (for example music, performance, art, crafts, photography, textiles)? Are other areas being studied for potential commercial exploitation?
190. Are there one or more associations to support and promote the development of cultural industries? Are those associations national, regional or international? Are they funded by Government or by the private sector?
191. Are there institutions that handle collective management of copyright? If so, in what fields? Please identify and describe any such institutions.
Are the institutions identified in reply to this question effective in collecting revenue and profits and distributing them to local artists and creators? If so, please use any applicable data and statistics to describe their effectiveness. If not, please provide applicable data and statistics, as well as any explanation of problems and challenges faced by the institutions. *This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.*
192. Do cultural industries use trademarks and geographical indications effectively to brand and promote their works? Please provide some examples and assess the reasons for their success, or lack thereof, in using branding.

193. Are there resources and experts available to persons engaged in cultural industries to assist them in using trademarks and geographical indications?
194. Are there any situations in which cultural industries use certification or collective marks to identify their goods and/or services? If so, please specify. What are the challenges facing those industries in attempting to use certification and/or collective marks?
195. Is there any awareness, among cultural industries, museums, creators, artists and others involved in fields of art, of the economic value of digital collections of works and the importance of legal ownership, protection, and valuation of such collections? Have collections or databases of works of art or works of authorship been sold or licensed in digital form? If so, were the rights in the collections identified and valued?
196. Has there been any assessment of themed tourism, including cultural, heritage and educational tourism?
197. What are the greatest challenges today faced by local artists, musicians and craftspeople? This question calls for a subjective judgment, and it is therefore helpful for the IP Audit Working Group to collect and consider as many opinions and responses as it receives and considers useful input on the subject.
198. Is there a network of cultural creators today that provides IP, business and marketing services?

EXAMPLES

- The MEDIA Program of the **European Union** aims at strengthening the competitiveness of the European audiovisual and cinema industry with a series of support and funding measures dealing with: (1) training of professionals (encouraging the setting up of European training initiatives allowing professionals of the audiovisual industry to increase their competence and their competitiveness on the international market); (2) development of production projects and companies; and (3) distribution and promotion of cinematographic works

and audiovisual programs at trade shows, fairs and audiovisual festivals. The MEDIA Program brings support both before and after production to the related initiatives mentioned above, and encourages the networking of European operators by supporting joint activities by national promotional bodies. The amount of the financial contribution awarded will not exceed 50% of the total cost of the operation, but may be raised to 60% for projects that enhance European linguistic and cultural diversity. See http://europa.eu.int/comm/avpolicy/media/index_en.html

- In **Jamaica**, the Film, Music and Entertainment Commission was established at Jamaica Promotions Corporation (JAMPRO), the investment and export arm of the Jamaican Government, to administer the "*Motion Picture Industry Encouragement Act*" and other related incentives in the field of culture. The Commission is divided into two areas - Music and Film - and is mandated to promote Jamaica's film and music sectors as highlighted in the National Industrial Policy. Its mandate includes facilitating activities to increase investment, export, employment and foreign exchange earnings. See <http://www.investjamaica.com> and <http://www.filmjamaica.com/>

PART XXIII.

COMMENTS OR ADDITIONAL SUGGESTIONS

QUESTION

199. Are there categories of information that have not been touched upon by this IP Audit Tool, but are relevant to the ability of citizens to create, own and exploit their research results and cultural works? Please offer any comments or additional observations.



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