2.   NATIONAL DEVELOPMENT CONTEXT

The national development context, in terms of the broad range of economic, technological, industrial, human, social and institutional factors, are of great importance for the design of technical assistance and capacity building programmes in any sector – and IPRTA is most certainly no exception. This section first looks at some of the key issues and challenges related to the national development context in LDCs, before setting out a detailed checklist to guide an assessment of key factors that should be taken into account in the planning of an IPRTA programme or project.

2.1   Key issues and challenges

Donors and providers of IPRTA must be constantly aware that the development of IP systems in LDCs cannot be considered in isolation to the general development context and needs of the country concerned. For example, the sustainable provision of information technology equipment for an IP office may require consideration of financial resources and local skills to service and maintain the equipment, reliable power supply and telecommunications infrastructure or associated equipment like air conditioners.

Other factors like the level of formal IPR registration activity (e.g. low numbers of patenting and trademark applications) in a small or very low-income country may mean that it is not technically feasible nor economically viable for such a country to establish and sustain an IPR system comparable to developed countries in terms of capacity for administration, enforcement and regulation of IPRs.

It follows from this that the assessment of IPRTA and capacity building requirements of a developing country should be based on what that country needs, rather than on what a donor country wants, or is able, to provide. Recipients of IPRTA from LDCs obviously have a key role to play in informing such assessments, based on a broad and medium term perspective, and a wide range of stakeholders should be involved – not just national IP offices but stakeholders from other government agencies, the business sector and civil society as well. An outline for a mapping exercise of national stakeholders is provided in Annex A.

Donors do have an important role to play in this process by assisting LDCs to understand the international IP systems and their future developments, as well as sharing the lessons of their own experience. For example, IP offices of donor countries as well as other traditional and non-traditional IP technical assistance donor agencies may be able to share experiences on the use of specific legal models and administrative practices for IP protection (e.g. utility models, certain kinds of *sui generis* protection systems, or protocols for ensuring equitable access to, and benefit sharing from, biological material) that could be appropriate for the needs of stakeholders in developing countries.

In this way, donors can provide LDCs with sufficient information to make informed decisions about how their national systems should develop and what can be realistically achieved and delivered in the short and long term.

2.2   Diagnostic assessment checklist

Economic development status and economic structure

- What is the economic status of the country in terms of GDP and recent growth levels? What is the economic structure of the country, including the manufacturing, services and agricultural sectors?

- What are the main industries and sources of employment & investment in the country? How are these trends changing over time?

- What is the ownership structure in the various sectors of manufacturing, services and agriculture (local versus foreign, etc)?

- What information is available about levels of expenditure in Research & Development, levels of technology licensing activities?

- What are the levels for key telecommunications and information technology indicators, such as numbers of telephone lines per capita and internet usage?

- Are business and government agencies generally able to utilise modern IT hardware and software applications to capture efficiency and productivity gains? If not, what measures are being taken or planned to address these problems?

Human development status and poverty profile

- What is the national social and economic status of the country (e.g. gross per capita income levels, level and incidence of poverty)?

- What is the general health and education situation for the population (e.g. infant mortality rate, maternal mortality rate, Under 5 mortality rate, literacy levels)? What is the level of government expenditure per capita on education and healthcare in the country?

- Is the population in the country facing acute problems in accessing key technologies for human development and poverty reduction (such as access to essential medicines, textbooks and educational materials, inputs for subsistence agriculture, etc)? If so, what measures are being taken or planned to improve access?

National development strategies and assistance programmes

- What are the national development priorities, plans and strategies for poverty reduction in the country? Are these clearly articulated in published documents, such as Poverty Reduction Strategy Papers?

- Have issues related to IPR, research and development, innovation, creativity, access to technologies and knowledge products been addressed in such documents?

- Is there a national innovation system in place and to what extent it is linked to private activity and use of IPRs?

- What is the Official Development Assistance (ODA) framework for the country? Who are the key donors? What are the major ODA-funded programmes and future plans?

- Has a Diagnostic Trade Integrated Study (DTIS) been undertaken for the country under the Integrated Framework for Trade Related Technical Assistance? What is the current status of the Integrated Framework in the country?

- How will the proposed IPRTA project or programme relate to these ongoing or planned efforts by other donors? What lessons have been learnt by donors providing technical assistance and capacity building in the country?