

**REPUBLIC OF RWANDA**



**MINISTRY OF TRADE AND INDUSTRY**

**Revised Policy on Intellectual Property in  
Rwanda**

**October 2018**

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## LIST OF ACRONYMS AND ABBREVIATIONS

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ARIPO	-	African Regional Intellectual Property Organisation
ASPI	-	Access to Specialized Patent Information
CMO	-	Collective Management Organisation
EDPRS	-	Economic Development and Poverty Reduction Strategy
EoF	-	Expressions of Folklore
GI	-	Geographical Indication
ICT	-	Information and Communication Technology
IP	-	Intellectual Property
IPR	-	Intellectual Property Rights
LDC	-	Least Developed Country
MINAGRI	-	Ministry of Agriculture and Animal Resources
MINICOM-	-	Ministry of Trade and Industry
MINEDUC	-	Ministry of Education
MINIJUST	-	Ministry of Justice
MINISPOC	-	Ministry of Sports and Culture
NGO	-	Non-governmental Organisation
NIRDA	-	National Industrial Research & Development Agency
PSF	-	Private Sector Federation
RDB	-	Rwanda Development Board
RNP	-	Rwanda National Police
RRA	-	Rwanda Revenue Authority
SME	-	Small and Medium Enterprises
STI	-	Science, Technology and Innovation
TISCs	-	Technology and Innovation Support Center
TK	-	Traditional Knowledge
WIPO	-	World Intellectual Property Organisation
WTO	-	World Trade Organisation

## 1. THE ISSUE

This policy seeks to revise the existing intellectual property policy which was adopted by the Government of Rwanda in 2009. The reason for this revision is to expand the current policy framework for the protection of intellectual property rights in Rwanda as well as provide the basis for a strengthened institutional framework.

The main policy reforms proposed in this revised policy document are as follows:

POLICY REFORMS	
	➤ Review of the existing legislation to ensure that all aspects of intellectual property rights are protected within a well-functioning system
	➤ Strengthen the legal framework by bringing into force the provisions of various international treaties related to harmonising the protection of intellectual property rights, both regionally and internationally
	➤ Create a standalone autonomous IP office to carry out day-to-day IP management and administration tasks related to all categories of intellectual property rights
	➤ Build capacity to ensure a reliable and well-coordinated enforcement mechanism
	➤ Intensify IP awareness among IP users and potential users, including creators, innovators, potential investors, research centers and universities, small and medium enterprises and relevant government officials on the policy and legal framework related to protection of intellectual property rights in Rwanda
	➤ Provide for defensive protection of traditional knowledge and cultural expressions by establishing a database of disclosed forms of indigenous knowledge

## 2. CONTEXT AND BACKGROUND

In today's economic environment, intangible assets are becoming increasingly important. These assets, which are the result of human intellectual creative activity, are known as "intellectual property." Among the forms of intellectual property specifically entitled to legal protection are inventions, trademarks, designs, literary and artistic works, layout-designs of integrated circuits, and trade secrets.

Globally, the volume of trade in goods and services involving intellectual property has greatly increased in recent years, and with this, the importance of the protection of intellectual property for the world economy has intensified. Inappropriate and insufficient protection of intellectual Property can distort free trade in developing countries.

Over the years, the main IP focus in Africa has been to establish and develop basic IP infrastructure, regulatory frameworks, capacity-building, and human capital. The goal now is to put these IP tools to work in support of the economic objectives of African economies. Africa has a great tradition of innovation and creativity and has extraordinary creative resources but has often struggled to realize their full economic potential. That is changing. Increasingly, African economies are seeking to add value to their innovative and creative resources through the IP system.

Rwanda's 2009 policy focused on leveraging of intellectual property as a tool to encourage technology transfer, with a particular emphasis on knowledge creation, knowledge acquisition and knowledge transfer.

The Rwandan economy is growing fast and transforming into a knowledge-based and globally competitive export economy. Additionally, the Economic Development and Poverty Reduction Strategy II and Vision 2050 underscored the importance of building an economy that is self-sufficient and interconnected both nationally and internationally.

There is therefore a need to revise the existing IP policy, taking into account the importance of putting in place a sound and well-functioning intellectual property system that would spur the economic exploitation of IP in Rwanda.

### 3. VISION, MISSION AND OBJECTIVES

#### 3.1 Vision:

To contribute to the economic and social transformation of Rwanda by creating an enabling environment for the economic utilization of the rights of creators, innovators and business enterprises.

#### 3.2 Mission:

- To maintain the protection of intellectual property rights to the highest international standards.
- To ensure IP takes its rightful place in stimulating innovation and creative industries in line with Rwanda's development goals

#### 3.3 Objectives

The IP Policy is aimed at providing guidance and a road map to ensure that the IP laws, practices and strategies in Rwanda support and facilitate the achievement of the country's high-level vision and targets.

For Rwanda, the key is to facilitate technological learning. To do this requires a conducive national and international environment. Consequently, this IP Policy is predicated on the following policy objectives:

1. To put in place a strong legal and institutional framework that adequately protects intellectual property rights in Rwanda
2. To create a suitable environment for the advancement of scientific and technological skills that in turn would increase the innovation capacity
3. To facilitate the development and economic exploitation of innovative and creative projects and ideas implemented by creators, inventors, innovators, and SMEs.
4. To enhance the protection of geographical indications, traditional knowledge and cultural expressions and facilitate equitable access to genetic resources

## 4. ANALYSIS

### I. LEGAL FRAMEWORK

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#### A. INTERNATIONAL CONTEXT

As recognized in the 2009 policy, Rwanda is a member of a number of international treaties related to the protection of intellectual property. However, since then, Rwanda has acceded to more instruments as well as brought into effect their provisions. This section seeks to outline a comprehensive and updated list of international agreements<sup>1</sup> that apply to Rwanda and their effect.

##### a) Convention Establishing the World Intellectual Property Organization

Rwanda acceded to the Convention establishing the World Intellectual Property Organization (WIPO) in 1983. WIPO administers various treaties and acts as a forum for shaping intellectual property rules to adapt them to the ever changing world.

##### b) TRIPS Agreement

Rwanda acceded to the Agreement establishing the World Trade Organisation (WTO) in 1996 and is subject to the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS Agreement). The TRIPS Agreement was introduced to narrow the gaps in the way IPRs are protected around the world, and to bring them under common international rules. It establishes minimum levels of protection that member states are required to grant under their national intellectual property systems.

Despite that, however, the TRIPS Agreement recognized the circumstances under which developing countries and least developed countries (LDCs) trade in the international market and created flexibilities for them. Most of these flexibilities take the form of exceptions to certain forms of intellectual property protection where protecting rights would compromise the public interest or where there is no capacity to protect them. The most significant exception is the 2001 Doha Declaration on Public Health, which created public health exceptions for the protection of pharmaceutical patents.

Rwanda's IP Policy has traditionally taken advantage of these exceptions. However, given the desire to accelerate industrialisation and attract manufacturers and innovators, it is necessary to begin transitioning away from this position. The various circumstances under which TRIPS flexibilities will be taken advantage of are discussed in each category of IP Rights throughout this revised policy.

##### c) The Lusaka Agreement Establishing the African Regional Intellectual Property Organization (ARIPO)

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<sup>1</sup> Descriptions of agreements used throughout this chapter are extracted from the information and texts available at the World Intellectual Property Organisation (WIPO)'s website (<https://wipo.int>)

ARIPO is a regional organization which aims to coordinate and harmonize the administration of intellectual property rights by its member countries. Rwanda joined ARIPO in 2011.

**d) COPYRIGHT TREATIES**

<b>Name of Treaty</b>	<b>Description</b>	<b>Accession Date</b>
Berne Convention for the Protection of Literary and Artistic Works which	Provides for protection of creative works for a minimum period of fifty (50) years and creates principles for the protection of original created works.	March 1, 1984
Universal Copyright Convention as revised on 24 July 1971 together with Appendix Declaration Relating to Article XVII and resolution relating to Article XI	Provides for protection of copyright and related rights	November 10, 1989
Brussels Convention Related to the Distribution of Programme-Carrying Signals Transmitted by Satellite	Provides for the obligation of each Contracting State to take adequate measures to prevent the unauthorized distribution on or from its territory of any programme-carrying signal transmitted by satellite	July 25, 2001

**Policy reform on copyright treaties:**

Given Rwanda's desire to provide a framework for copyright protection in the digital space, it is important that Rwanda accedes to the provisions of the WIPO Copyright Treaty (WCT) which deals with the protection of works and the rights of their authors in the digital environment within the framework of the Berne Convention.



## e) TREATIES RELATING TO INDUSTRIAL PROPERTY PROTECTION

Name of Treaty	Description	Accession Date
Paris Convention for the Protection of Industrial Property in 1983.	Deals with protection of industrial property, including patents, trademarks, industrial designs, utility models, service marks, trade names, geographical indications and the repression of unfair competition.	March 1, 1984
Patent Cooperation Treaty	This treaty makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing an "international" patent application.	August 31, 2011
Harare Protocol on Patents and Industrial Designs Within the Framework of the African Regional Industrial Property Organisation	This Agreement empowers ARIPO to grant patents and to register utility models and industrial designs and to administer such patents, utility models and industrial designs on behalf of Contracting States	September 24, 2011
Hague Agreement Concerning the Deposit of Industrial Designs	This Agreement establishes an international system which allows industrial designs to be protected in multiple countries or regions with minimal formalities.	August 31, 2011

### Policy Reform on Treaties Relating to Industrial Property

Given the need for Rwanda to put in place a legal framework for geographical indications and to enhance cooperation with a view to enforcing anti-counterfeiting laws more effectively, the following treaties should be acceded to:

- a) Lisbon Agreement for the Protection of Appellations of Origins and their International Registration which offers a means of obtaining protection for an appellation of origin in the 28 contracting parties to the Lisbon Agreement through a single registration and one set of fees.
- b) Anti-Counterfeiting Trade Agreement- which is aimed at promoting multinational cooperation in enforcement of IP rights
- c) Strasbourg Agreement Concerning International Patent Classification- which establishes the International Patent Classification (IPC) which divides technology into eight sections with approximately 70,000 subdivisions with the aim of harmonizing patent registration systems across the world.

## f) TREATIES ON TRADEMARK PROTECTION

Name of Treaty	Description	Accession Date
Madrid Agreement and the Protocol Relating to the International Registration of Marks	The system makes it possible to protect a mark in a large number of countries by obtaining an international registration that has effect in each of the designated Contracting Parties.	August 17 2013
<p><b>Policy Reform on Treaties on Trademark:</b></p> <p>Given the need to have an efficient trademark examination system that is well coordinated with trademark registration systems in other jurisdictions using the Madrid system, there is a need to accede to and ratify the following agreements:</p> <p>a) Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks which establishes a classification of goods and services for the purposes of registering trademarks and service marks with the aim of harmonising global trademark registration systems.</p> <p>b) Banjul Protocol on Marks within the Framework of the African Regional Industrial Property Organization (ARIPO) which provides for a coordinated trademark registration procedure under the ARIPO system.</p>		

## g) TREATIES ON PLANT VARIETIES, GENETIC RESOURCES AND TRADITIONAL KNOWLEDGE

Name of Treaty	Description	Accession Date
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity	It provides a transparent legal framework for the effective implementation of one of the three objectives of the Convention on Biodiversity: the fair and equitable sharing of benefits arising out of the utilization of genetic resources.	October 12 2014
International Treaty on Plant Genetic Resources for Food and Agriculture	It provides for the conservation and sustainable use of all plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security	January 12, 2011

Convention for the safeguarding of the protection of the Intangible Cultural heritage	This is aimed at safeguarding the uses, representations, expressions, knowledge and techniques that communities, groups and, in some cases, individuals, recognise as an integral part of their cultural heritage. This intangible heritage is found in forms such as oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe, and traditional craftsmanship knowledge and techniques.	April 21, 2013
Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005	Recognizes the sovereign right of States to maintain, adopt and implement policies to protect and promote the diversity of cultural expression, both nationally and internationally	October 16, 2012
<p><b>Policy Reform on Treaties related to Plant Varieties, Genetic Resources and Traditional Knowledge:</b></p> <p>Given the need to ensure internationally recognized standards in the protection of traditional knowledge and cultural expressions, Rwanda should join the <b>Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore</b> which provides a legal framework to protect traditional knowledge holders against any infringement of their rights as recognized by this Protocol; and to protect expressions of folklore against misappropriation, misuse and unlawful exploitation beyond their traditional context.</p>		

## B. LEGISLATION

### Background

Rwanda's current legislation governing intellectual property comprises the Intellectual Property Act of 2009 which provides the local legal framework for intellectual property protection, the Law governing seeds and plant varieties in Rwanda as well as the Law on the Protection of Cultural Heritage. The legislative framework also includes various implementing Ministerial Orders.

The current status of the legislative framework is as follows:

LAWS		
Law on the Protection of Intellectual Property	October 2009	Under review
Law governing seeds and plant varieties in Rwanda	April 2016	In force
Law on the protection of Culture Heritage	2016	In force
ORDERS		
Ministerial Order N°07/10/MINICOM of 25/08/2010 determining the structure and functioning of the Council of Appeal in charge of settling disputes related to IP.	2010	In force
Ministerial Order N°25/2016 of 17/03/2016 determining the timeframes for granting a compulsory license and opposition to registration of IP.	2016	In force
Ministerial Order N°24/2016 of 17/03/2016 determining fees payable for registration services of IP	2016	In force
Ministerial Order fixing the form and content of the power of attorney	2016	In force

However, a number of challenges have been identified since the legislation came into effect in 2009.

Key among these challenges is the fact that the law does not adequately address the protection of copyright. Additionally, the law is internally inconsistent in its use of terminology related to intellectual property protection.

Moreover, there are other laws in place which create overlapping duties and responsibilities for different organs and government agencies.

### **Policy Reform on Legislative Framework**

Given the experience of the policy-maker and the implementer, this revised policy seeks to usher in the promulgation of a more comprehensive IP law which:

- domesticates the provisions of international treaties, which Rwanda is party
- cover all categories of intellectual property rights including, *inter alia*:
  - patents
  - copyright and related rights
  - utility models and industrial designs
  - trademarks
  - geographical indications, and
  - traditional knowledge and cultural expressions
- establishes penal provisions and prescribes penalties which act as a deterrent against the commission of offences related to intellectual property rights
- Takes advantage of, and appropriately applies WTO TRIPS flexibilities to the Rwandan context, taking due account of the constantly changing circumstances
- Clarifies institutional responsibilities as regards policy-making, administration and enforcement of intellectual property in Rwanda

## **II. PATENTS, UTILITY MODELS AND INDUSTRIAL DESIGNS**

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### **A. BACKGROUND**

In 2009, Rwanda had a low record of filings for patents, utility models or industrial designs. An IP Policy was then designed with a view to awaken interest in IP. The objective of the policy was essentially to enhance access to technology with a special focus on exceptions to patent law, including the exclusion of pharmaceuticals from patenting, as provided by TRIPS flexibilities.

Since 2009, , patent filings have increased steadily, both locally and under the Harare Protocol.

In Rwanda, adequate patents protection is considered as one of the key elements for achieving the country's vision of becoming a knowledge-based economy. To this end, Rwanda has put in place a National Innovation Policy and Infrastructure to enhance innovation and creativity. Parallel to the focus on innovation, Rwanda has been vigorously engaged in attracting public-private as well as foreign direct investments. Among today's tangible results is investor's growing interest in setting up complex manufacturing operations in Rwanda.

This revised policy therefore seeks to adjust the IP policy to these new developments, and create an enabling environment for effective patent protection and enforcement. The policy also specifically addresses exclusions, administrative procedures, parallel importation and the compulsory licensing regime.

### **B. PATENTS**

#### **Criteria for granting a Patent**

As part of the reforms envisioned by this revised policy, Rwanda shall pursue the establishment of a dedicated and independent IP office to receive and process patent applications and grant patents. In line with the Paris Convention, the TRIPS Agreement and the EAC TRIPS policy, the IP law shall clearly specify the criteria and all the requirements for granting patent protection in Novelty, Inventive steps, and Industrial applicability.

The law and any other relevant regulations shall specify all the necessary documents required to be lodged by new applicants as well as applicable timelines for examination processes. The requirement of maintaining confidentiality of disclosed patent information shall be maintained to the highest global standard.

Substantive examination carried out in accordance with the Harare Protocol in other member states shall also be recognized and inspected for compliance with, as required by the provisions of the Protocol.

The IP office will need to be expanded and its capacity increased so as to adequately and capably carry out formal and substantive examinations of patents filed locally, to the standard prescribed in the Harare Protocol.

## **Administrative Opposition Procedures**

If the patent regime is to carry out examination of applications, then an administrative opposition procedure needs to be developed.

The IP office shall be empowered to carry out IP administration and must be sufficiently equipped in terms of capacity building and budget allocation so as to fulfil this function.

Guidelines developed for opposition procedures will be aligned with the Guidelines for Examination at the African Regional Intellectual Property Organization (ARIPO) as well as with internationally recognized standards.

## **Pharmaceutical Patents and the TRIPS Flexibilities**

Pursuant to the Declaration on TRIPS and Public Health in 2001, Rwanda's policy position has been to exclude pharmaceutical products from patent protection. This is a position that was reflected in the existing Rwandan IP law of 2009.

However, there has been recent interest in attracting investors to set up local manufacturing facilities. Additionally, the National Pharmacy Policy of 2016 recognizes that there is currently only one local manufacturer of essential medicines and expresses the desire to create an environment that would enable more local manufacturing of pharmaceuticals and especially essential medicines.

Moreover, recent policy discussions have highlighted the need to create an enabling IP environment for investments, such as pharmaceuticals, looking to set up manufacturing operations in Rwanda.

That notwithstanding, Rwanda is an LDC and stands to continue gaining from the flexibilities offered by the TRIPS Agreement, especially with regard to ensuring access to affordable medicines for the most vulnerable.

Therefore, the policy proposes to continue the exceptions in the patenting regime for, among others:

- a) Pharmaceutical patents
- b) New medical uses of known substances
- c) Research exception
- d) Marketing approval (Bolar exception)
- e) Clinical test (data) exception

## **International Exhaustion of IP Rights and Parallel Importation**

In recognition of the need to ensure access to affordable products, Rwanda's IP regime shall recognize international exhaustion of IP rights and NOT national exhaustion. This means that once a product has been first sold anywhere in the world, then the exclusive right to the distribution of that product expires and resellers of the product are allowed to compete with the patent owner in the market.

Therefore, parallel importation is allowed in Rwanda and the first-sale doctrine will apply. The expected benefit to Rwanda is the fact that parallel importation of generic medicines which have been produced under a compulsory license in other countries may occur.

## **Compulsory Licensing**

In accordance with the Paris Convention, the TRIPS Agreement, and the EAC policy on TRIPS flexibilities, Rwanda shall have in place a system for granting compulsory licensing in specific circumstances, such as in times of national emergencies or when it would be in the public interest as provided for under Article 31 of the TRIPS Agreement. Compulsory licensing procedures must be fair and equitable to patent owners, and this will be achieved by outlining very clear requirements and guidelines.

IP legislation on compulsory licensing will clearly spell out the procedure for the granting of a compulsory license including granting reasonable periods for negotiations with potentially affected patent owners.

## **Plant Varieties**

The legal framework excludes from patentability, plants and animal varieties, including their parts, other than micro-organisms and essentially biological processes for the production of plants or animals and their parts, other than non-biological and microbiological processes and products obtained from those processes;

However, plant and seed varieties are granted sui generis protection under the Law N°005/2016 of 05/04/2016 Governing Seeds And Plant Varieties In Rwanda. The policy maker with regards to this sui generis right is the Ministry of Agriculture.

Taking the above into account, the policy reforms related to patents are as follows:

- Revision of the patent legislation with a view to making the revised law a real tool for attracting all potential investors. In so doing, maintain the balance between the interests of the right holders and those of the consumers;
- Empowerment of the new IP office with infrastructure, resources and know-how to enable carrying out of formal and substantive examination of patents applications with particular attention to creating a high level of security and confidentiality for patents application and registration;
- Establishment of an administrative opposition procedure for the registration of patents and equip the IP office to conduct hearings and rule accordingly.



### C. UTILITY MODELS

Utility models are industrial property rights that provide protection to minor inventions and incremental innovations that bring solutions to technical problems.

The legal system of utility models is similar to that for patents, with a few exceptions:

- a utility model is protected if it is novel and industrially applicable. There is no requirement of inventive step which applies to patents;
- the duration of a utility model is ten years, with the possibility of renewal before the end of the fifth year;
- the non-voluntary license for utility models is authorized only in cases of absence of or insufficient use.

The novelty test is the same as that required for patents, i.e., universal and absolute novelty. The procedures for filing the application and the management of the rights as well as the rights conferred by utility model are the same as those of the patent.

The Rwanda IP Law has provisions which permit the granting of utility model certificates for small inventions but, so far, statistical records show a minimal use of the right.

Rwanda is today posed to gain from all aspects of intellectual property and as such utility models offer a tool that could bring as many players as possible into the innovation circle.

In this regard, a better access and use of patent technical information shall be explored as an avenue for enhancing innovation. Particular attention shall be placed on effective use of the Technology and Innovation Support Center (TISC) with a view to inspiring and stimulating the youth, small and medium enterprises (SMEs), and research institutions to innovate.

#### **Policy reforms with respect to utility models:**

- Empower the IP office with infrastructure, resources and know-how to enable carrying out of substantive examination of utility models' applications;
- Establish an administrative opposition procedure for the registration of utility models and equip the IP office to conduct hearings and rule accordingly
- Engage the IP office to create an advisory service and establish a team dedicated to providing users and potential users with necessary guidance and advice on the use of TISC facility and on the filing processes;
- Create opportunities for learning from institutions that have been successful in using IP to create the innovation culture

## **D. INDUSTRIAL DESIGNS**

### **Definitions (rationale for protection)**

Industrial design is a form of protection of IPRs that goes to the aesthetic or ornamental aspect of a product. The inventor of this aesthetic aspect of the product has to mention products on which their invention has to be applied to. Therefore, the industrial design has to be new, and not be dictated by the technical or functional consideration of the product on which it has to.<sup>2</sup>

Industrial design protection is applicable to products of industry and handicraft items: such as packages and containers, vehicles, furnishing and household goods, lighting equipment, jewellery, watches, electronic devices and textiles. Industrial designs may also be relevant to graphic symbols, graphical user interfaces (GUI), and logos.

Given the strong desire to promote the development of MSMEs in Rwanda in general, and the crafts, textile and fashion industries in particular, it is important that industrial designs are afforded adequate protection and are strategically used as tools for adding value to local products and increasing their marketability. Equally important is to ensure that the registration system works efficiently to facilitate the filing process for businesses and individuals seeking protection.

### **Registration of Industrial designs**

Rwanda shall protect industrial design through a registration process that will involve a limited examination process. This process will enquire into compliance with the formalities required for registration, and at least one or all of the following substantive requirements:

- i. compliance with the definition of industrial design; and
- ii. that the design is not contrary to public order or morality.

The limited examination process will be carried out for a transitional period of time as efforts are made to strengthen the current institutional framework.

In the long term, once enough capacity in the administration of IP has been built, then a full substantive examination regime for industrial designs will be introduced. Such an examination will involve a full enquiry into the novelty of an industrial design.

Classification of industrial designs will be done in accordance with the provisions of the international classification.

### **Rights conferred by industrial design registration**

Industrial design registration confers exclusive rights of use of the industrial design to the inventor. Any use not arising out of consent from the right holder is an infringement. The same is for a copy of the industrial design which is not authorized by the right holder (TRIPS, art 25)

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<sup>2</sup> Article 25 of the TRIPS Agreement

Industrial design registration confers individual rights for an application duly made by an individual, and group rights to an industrial design applied for by a group.

Industrial design may arise in the course of an employment contract too. In this situation, an industrial design produced in the course of an employment contract of that purpose belongs to the employer, whereas an industrial design produced.

An industrial design arising out of a joint inventiveness confers joint rights to the joint-inventors. In the situation, the use of the invention by each one of the joint-right holders doesn't require prior agreement by other parties. However, any of the joint-right holders can't enter into a contract on their joint invention without prior consent of others joint right holders.

For industrial design arising out of an employment contract to produce that invention, an economic value which was not foreseen before leads to an extra-contract equitable remuneration of the employee.

In the case an industrial design is produced by an employee in the course of an employment contract not meant for the production of the design, the rights out of that invention go to the employee. However, if the employer expresses interest in the design, he/she may request for grant of all or part of rights on that invention.

Exclusive rights conferred by industrial design include the manufacture, sale or import for commercial purposes of items incorporating the protected industrial design. These rights may be transferred to third parties.

An industrial design may be invalidated if it was granted out of provided conditions.

### **Extinction of rights**

Industrial design is protected for a maximum period of 15 years. The protection can be renewed after 5 or 10 years, before the eve of the last day of validity of prior protection ends.

#### **Policy Reforms Related to the Industrial designs:**

- Accede to Locarno Agreement on International classification for industrial Designs
- Provide for the following in the IP legislation:
  - conduct substantive examination of applications for industrial design
  - establish an administrative opposition procedure for the registration of industrial designs
- Empower the IP Office with infrastructure, resources and know-how to enable carrying out of substantive examination of industrial designs applications
- Establish an administrative opposition procedure for the deposit of industrial designs and equip the IP Office to conduct hearings and rule accordingly
- Empower the IP Office to provide advisory services and develop the capacity of MSMEs to make effective use of the designs

### III. TRADEMARKS

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Trademark (as defined in the Paris Convention and under the TRIPS Agreement) is any sign or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings.

Trademark is a valuable tool for achieving sustained business growth, in Rwanda where efforts are being made to create a friendly business environment for all kinds of investors.

The current trademark regime in Rwanda was put in place in 2009 when the forty-six-year-old legislation was repealed to comply with the requirements of the Paris Convention. This instrument was particularly important in discharging Rwanda's obligations under the WTO Agreement on TRIPS and Paris Convention on Industrial property protection.

Today, the current framework no longer complies with the minimum standards stipulated in the Madrid protocol due to the absence of substantive review. It is therefore important that there is in place a trademark regime that will take into account the Madrid Protocol as well as put in place a registration system that is fair, predictable and effective.

#### **Policy Reforms Related to the Trademark Regime:**

- Accede to the Nice Agreement on International Classification as well as the Banjul Protocol so as to align trademark registration in Rwanda with international registration systems
- Provide for the following in the IP legislation:
  - Definition of a criteria of absolute and relative grounds of refusal of registration of trademarks;
  - The rights conferred and exceptions;
  - Duration of the protection;
  - Acquisition and cancellation of trademark rights in particular, and
  - Define procedures and timeframe according to the international standards;
  - Mechanisms of appeal and disputes resolution.
- Empower the IP office with infrastructure, resources and know-how to enable carrying out of substantive examination of trademark applications
- Establish an administrative opposition procedure for the registration of trademarks and equip the IP office to conduct hearings and rule accordingly
- Empower the IP office to provide advisory services and develop the capacity of MSMEs to make effective use of the IP system.

## IV. **GEOGRAPHICAL INDICATIONS**

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### **A. Background**

A geographical indication is a sign used on goods that have a specific geographical origin and possess qualities or a reputation due to that place of origin. Most commonly, a geographical indication consists of the name of the place of origin of the goods. Agricultural products typically have qualities that derive from their place of production and are influenced by specific local geographical factors, such as climate and soil.

The use of geographical indications is not limited to agricultural products. They may also highlight specific qualities of a product that are due to human factors found in the product's place of origin, such as specific manufacturing skills.

Rwanda has several products that could meet requirements for protection as GIs, such as its world-famous coffee and tea, specifically tied to the climate and soil within which they are grown. Protection of geographical indications is an opportunity for local farmers and SMEs to effectively exploit this sui generis class of intellectual property rights.

### **B. Protection of Geographical Indications and Related Rights in Rwanda**

The primary mode of protection of geographical indications in Rwanda shall be through a legislative framework which shall outline the following:

- a) Definition of geographical indications and related rights
- b) Eligibility for protection
- c) Process for certification
- d) Recognition of international geographical indications

The Lisbon Agreement on Appellations of Origin which provides a system through which member states can mutually recognize each other's geographical indications and appellations of origins has a strategic potential advantage and Rwanda ought to accede to it.

#### **Policy Reforms Related to Geographical Indications:**

- Create an appropriate legislative framework that provides for protection and registration of geographical indications and related rights
- Accede to the Lisbon Agreement on appellations of origin
- Engage in creating awareness on the potentials of geographical indication and appellation of origin for the Rwandan agricultural sector and for MSMEs, and identify and protect local products that have comparative advantage for protection as GIs;
- Empower the IP office to deal with geographical indications.

## **V. COPYRIGHT AND RELATED MATERIALS**

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### **A. Background**

Recent policy discussions have highlighted the fact that creators and innovators in Rwanda stand to benefit from the exploitation of economic rights arising from their works. This revised policy seeks to put in place a framework that ensures that copyright and related rights are properly recognised, administered and enforced.

As outlined in the 2009 policy, and in accordance with the international treaties on copyright that Rwanda is a part of, eligible works for protection include literary, artistic and scientific works such including but not limited to:

- a) Conferences, speeches, lectures, addresses, sermons and other oral works;
- b) works expressed by writing (books, pamphlets and other writings) including computer programs; musical works with or without accompanying words;
- c) dramatic, dramatic-musical works;
- d) choreographic works and pantomimes;
- e) audio-visual works;
- f) works of drawing, painting, sculpture, engraving, lithography, tapestry and other works of fine art; works of architecture
- g) photographic works; including works made by means similar to photographic process;
- h) illustrations, maps, plans, sketches and three-dimensional works relating to geography, topography, architecture or science;
- i) works deriving from Rwanda national folklore

### **B. Recognised Rights**

As with the international copyright regime, copyright shall subsist automatically in eligible works. The legislative copyright framework in Rwanda will take into protect the following rights related to copyright:

- a) Rights of reproduction, distribution, rental and importation rights:
- b) Rights of public performance, broadcasting, communication to the public and making available to the public
- c) Right to translate and adapt
- d) Moral rights

### **C. Limitations and Exceptions**

The protection of copyright shall be subject to the following fair-use exceptions:

- a) Educational purposes
- b) Research purposes
- c) Journalism purposes
- d) For the purposes of making the works available to visually impaired persons

#### **D. Copyright Registration and Protection in the Digital Age**

Drawing from the Science, Technology and Innovation Policy as well as from the ICT sector plan, there is a need to put in place an intellectual property policy framework that works for innovators and incentivises them to create while balancing the public interest and increasing public access to knowledge.

In order to ensure that copyright is protected in the digital age, the copyright protection system will, take into account digital rights management as well as implement the provision of the WIPO Performances and Phonograms Treaty.

Additionally, the IP Office will institute an online repository system that will ensure that registered copyright works are easily searchable. It is hoped that this will more easily allow copyright owners to be more easily identified and enable them to enforce their rights in an environment where digital creations can be recast into different formats. Collective management organizations are encouraged to use software systems such as WIPOCCOS to assist in timely, efficient and reliable collection of royalties on behalf of their members.

#### **Policy Reforms Related to Copyright and Related Rights:**

- Create an appropriate legislative framework that provides for protection and registration of copyright and related rights
- Empower the IP Office to deal with copyright protection and registration
- Engage in intensive efforts to create awareness on copyright protection and encourage economic exploitation of the rights in the creative industry
- Rationalize the roles of different institutions that currently have copyright protection as their mandate
- Liaise with collective management organizations to take advantage of systems such as the WIPOCCOS to ensure seamless collection of royalties on behalf of copyright owners

## **VI. TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSIONS**

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Traditional knowledge and cultural expressions are a vital part of the cultural heritage that Rwanda possesses. Traditional knowledge (as defined in the Swakopmund Protocol) comprises any knowledge originating from a local or traditional community that is the result of intellectual activity and insight in a traditional context, including know-how, skills, innovations, practices and learning, where the knowledge is embodied in the traditional lifestyle of a community, or contained in the codified knowledge systems passed on from one generation to another. The term is not be limited to a specific technical field, and may include agricultural, environmental or medical knowledge, and knowledge associated with genetic resources.

As outlined in the National Heritage Policy, the people of Rwanda are rich in indigenous knowledge. An example of this is the *Agaseke* handcrafting techniques, which is unique to the people and traditions of Rwanda. The Swakopmund protocol creates traditional knowledge as a sui-generis right and provides guidelines for the economic exploitation of traditional knowledge.

While positive protection of traditional knowledge requires a sui-generis law to allow effective economic exploitation, defensive protection of traditional knowledge can be provided for within the intellectual property framework.

This will involve establishing a database of traditional knowledge against which applications for copyright, patent, utility model and industrial design registration will be cross-checked. This is expected to protect communities against unlawful exploitation of traditional knowledge by way of new registrations.

### **Policy Reforms Related to Traditional Knowledge, Cultural Expressions and Genetic Resources:**

- Accede to and ratify the provisions of the Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore
- Create a database of disclosed traditional knowledge and cultural expressions to be used during examination of applications related to industrial property
- Engage in intensive efforts to create awareness on traditional knowledge and indigenous forms of protection and promote projects and partnerships in the field
- Empower the IP Office to deal with traditional knowledge and provide necessary advice



## **VII. INSTITUTIONAL FRAMEWORK**

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The implementation of an IP Policy which is aimed at supporting the entire innovation and creative area and development goals requires a set of institutions that act in a coordinated and mutually reinforcing manner. To construct such an institutional framework requires understanding the multiplicity of institutional arrangements that shapes the governance of intellectual property resources.

The intellectual property regime is broad and includes not only relevant laws and institutions but also the private arrangements that contribute to defining the social relationships pertaining to the use of intangible resources. While substantial attention has been paid in establishing different institutions involved in IP, scant attention has been devoted to exploring in a unified framework the range of institutional arrangements that contribute to the governance of intellectual property resources.

### **A. Policy-Making Functions**

The current policy maker with regard to most of the main aspects on intellectual property is the Ministry of Trade and Industry, with the Ministry of Sports and Culture being the policy maker on matters regarding copyright.

However, to optimize coordination in policy-making, all policy making functions with regard to intellectual property will remain with the Ministry of Trade and Industry. This will involve liaising with all other related ministries such as the Ministry of Sports and Culture, the Ministry of Health, the Ministry of Agriculture the Ministry of ICT, among others.

### **B. Regulatory Functions**

The IP Division in RDB currently carries out regulatory/administrative functions with respect to the administration of IP services in Rwanda.

The IP Office will be spun off to become an independent office empowered to carry out the administration of all Intellectual Property Matters. The new IP office will have units dealing with copyright (and related rights) and industrial property (patents, utility models, industrial designs, trademarks, etc). It will also be empowered to carry out administrative opposition procedures related to registration of intellectual property. The IP Office will also have an advisory unit that will engage with the public and create awareness on the legal framework for registration of IP rights.

It is expected that the IP Office will gradually generate revenues enough to sustain most of its recurrent costs.

An independent IP Office will be crucial to developing the regulatory framework of IP rights in Rwanda and will instill confidence in IPR owners which will in turn incentivize the generation of value from IPs.

### **C. Public/private institutional framework**

Considering the cross-sectoral nature of IP, a proper IP coordination requires a multi-stakeholder platform. Rwanda already has regular consultations with the relevant public and private sector institutions as well as links to the relevant international organizations. In this context, it is proposed to establish the National Steering Committee on IP with a clear ToR. The Steering Committee shall be co-chaired by MINICOM and the IP Office and shall have members from all relevant Ministries, enforcement agencies (National Police, customs agency, prosecutor, courts and standards board), private sectors and civil societies included. Its main mandate would be the coordination of this IP policy implementation, Monitoring and Evaluation. The initial members of this Steering Committee could include the institutions listed in Annex A to this Policy.

### **D. Regional and international co-operation**

Given the exponential growth in both the volume and complexity of industrial property rights applications in Rwanda, international co-operation in IPR administration, is now essential to ensure high quality of rights, reduce costs of filing and increase efficiency in national IPR administration.

### **E. Participation in International IP Negotiations and Organizations**

While IPRs remain territorial, the nature of the rights and the requirements for enforcement are today largely determined by the requirements of multilateral treaties and decisions in international organizations. The achievement of the overall policy goal in the area of IP and the realization of the specific policy objectives set will, therefore, both depend on the nature and requirements of any new treaties as well as Rwanda's engagement in the relevant organizations. In particular, the objectives related to facilitating the upgrading of intellectual property skills, facilitating access to foreign technology and access to essential goods and services will significantly depend on the international environment.

Rwanda has been an active participant in the TRIPS Council at WTO and, at times in WIPO. The realization of this IP Policy objectives will require a more active engagement in IP negotiations and debates in ARIPO, WIPO and IP related policy-making in the United Nations systems (WHO, FAO, UNESCO and WCO, among others). Considering, the stated priorities in health and agriculture particular emphasis, in the short-term should be focused on the processes linked to the implementation of the WIPO Development Agenda, the WHO Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property Rights and the implementation of FAO's International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

In terms of engagement in IP negotiations, Rwanda's active participation will be helped by working through and with the African Group in the various agencies as well as participating in various issue-based alliances – South-South and North-South. At the regional level, Rwanda's active participation will be helped by working on the regional implementation of the Swakopmund protocol (traditional knowledge and genetic resources), the Banjul protocol on the protection of trademarks and the Arusha protocol on the protection of plants varieties

Beyond shaping policy and ensuring that international processes reflect the requirements of Rwanda's policy objectives, such engagement will ensure that Rwanda can secure the needed technical and financial assistance from the international partners to pursue its IP objectives.

**The following policy reforms regarding institutional framework recommended:**

The overall policy supervisory role shall be with MINICOM for the overall IP system (industrial property and copyright combined).

The Intellectual property aspects of Cultural Heritage; Traditional knowledge (traditional medicine), Digital works, plants varieties; genetic resources and technologies /knowledge transfer will be led by MINICOM with the support of other Ministries, which are the Ministry of Culture and Sport, the Ministry of Health, the Ministry of ICT, the Ministry of Agriculture and the Ministry of Education.

A new independent IP office will be created and will be responsible for the administration of all IP services; The office shall have units dealing with both industrial property and copyright matters.

## VIII. IP ADMINISTRATION

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The administration of IP involves a set of technical and administrative tasks including, but not limited, to:

- receiving, examining and granting or refusing applications for IP titles;
- processing of renewals such as in the case of patents; trademarks and industrial designs;
- addressing opposition to the registration of various forms of intellectual property rights including patents, utility models, trademarks, and industrial designs;
- establishing and managing financial procedures and mechanisms for collection of fees;
- maintaining records of granted IP rights as well as archiving; and
- establishing procedures for, and facilitating publication and search of the IP registers.

The IP Office shall also have administrative powers relating to dispute settlement such as when the office serves as a Mediator for reviewing technology transfer licenses. The Office shall also have training and public awareness functions. Finally, the IP Office shall provide business support services such as specialized patent information services. This service shall be provided in close collaboration with the National Public Library where the TISC facility is housed.

### *(a) Human resource development*

The human resource development for the IP Office will be key to its success. The first important steps have been taken in recruiting staff and lawyers to run the current Division in RDB and these staff will be transferred to the new IP Office.

Additionally, more staff will have to be recruited and trained so as to ensure that the new IP Office can run efficiently and, offer the relevant intellectual property rights information and business support services. The. The required technical and financial support will be on-the-job training for the current and new staff including missions to other IP offices with established systems. Over time, the staff will also require to take advanced courses in IP administration and management.

### *(b) Computerization and IT Support for the IP Office and access to international databases*

Computerization of documentation and operations is a key priority for the IP Office. Computerization will increase efficiency, transparency and accessibility of reliable information. WIPO has provided technical and financial support for the development of a comprehensive online IP database, and automation system, but there will be further short and medium term needs. In particular, technical and financial support is required to cover the costs of training of staff; and users of the ongoing project for a proper utilization of the automation and online systems.

### *(c) Support to implement the regional and international instruments related to IPRs.*

Rwanda has joined a number of regional and international organizations' Treaties and Agreements so as to maximize the internal capacity and revenues in Rwanda. These

instruments ought to be implemented properly. In this context, technical and financial support will be needed to help the Office to domesticate these systems at the national level.

*(C) Costs and revenue*

The financial aspects of establishing and operating a modern, reasonably efficient IP infrastructure in Rwanda, capable of meeting the performance requirements implied in the international instruments require to describe the typical costs that may be incurred in the exercise of administration and enforcement of IPRs and then analyse the evidence available as to actual levels of expenditure incurred in the country.

The creation of the IP office involves a range of both one-time and recurrent costs. One-time costs would include acquisition of office premises; automation (hardware and software) and office equipment; consultancy services (for policy research, drafting new legislation, design of automation strategies, management re-organization etc.); and training of staff in the relevant partner agencies dealing with policy/law making, administration and enforcement.

The current IP office in Rwanda has achieved a lot in terms of equipment and electronic infrastructure, which will form the basis for the new independent office. It is expected that future costs to be incurred will include staff additional space, staff and equipment, salaries and benefits; staff trainings, charges for utilities; equipment maintenance; communications services (including development of an annual report and website); as well as travel expenses for participation in fora and meetings of the international and regional organizations; and annual contributions to WIPO and regional organizations.

Some of these costs, both capital and recurrent, may be incurred only by the IP Office, whilst others – or some portion of them – may also be incurred by partner agencies, like in the case of enforcement (police, judiciary, customs), the anti-counterfeit agency. Resources could essentially be constituted of the revenue generated by the international registration system, which Rwanda is party to, government subvention and local registration.

## **IX. IP ENFORCEMENT**

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A well –functioning IP system with an adequate and reliable enforcement mechanism is key to attracting knowledge-based investments and transfer of technology. As Rwanda seeks to become a knowledge-based economy and to turn in the near future into a middle-income economy, it is important to build an IPRs enforcement regime that is efficient.

Enforcement of intellectual property rights includes provisional and definitive measures. Therefore, enforcing organs need to have adequate infrastructure and technical know-how.

### **2. Provisional measures**

Provisional measures are temporary orders required to preserve goods during an investigation so as not to jeopardise the enforcement of any final orders arising from the outcome of investigations. Provisional orders tend to relate to imported infringing goods, and infringing goods that are already on the market.

For imported infringing goods, border protection measures which consist of seizure of infringing goods, and their destruction at the end of all required procedures will be introduced in the legal framework on enforcement of intellectual property rights.

### **3. Final/definite measures/orders**

#### **Civil court enforcement:**

Civil court enforcement of IP rights consists of litigation. This may consist of asking a competent court to declare whether goods are infringing or not, and asking the court to take subsequent remedial measures such as the destruction of infringing goods, forbidding further importation of infringing goods and granting damages to aggrieved parties.

#### **Criminal enforcement:**

Criminal enforcement of IP rights consists of a criminal action taken by the Prosecution before the competent court. The prosecution may be requesting for a sentence of imprisonment or a fine in case of conviction of the suspect. In the case of importation of infringing goods in particular, and in accordance with article 61 of TRIPS Agreement, a criminal action should be taken. In this respect, a new trend of passing-off should be seriously addressed by criminal law, and IP infringement networks should be discouraged by criminal remedy.

#### **4. Alternative dispute resolution (ADR) mechanisms**

Alternative dispute resolution mechanisms may also be introduced as an avenue to resolve IP matters between rights holders and users.

Moreover, the promotion of arbitration for IP matters in Rwanda will go hand in hand with the mission of KIAC on internalization of out of court settlement of disputes in Rwanda and the role this has for economic growth. In this respect, the promotion of KIAC to the level of attracting arbitration of IP matters needs to introduce on its lists of local and international arbitrators, intellectual property lawyers and other professionals involved in IP matters determination.

#### **5. Needed actions for adequate enforcement of IPRs**

##### **Provision of Equipment for detection of counterfeits and pirated goods, and their destruction**

There is an increasing complexity of cases that the enforcement agencies have to deal with. Therefore, there is need to purchase and maintain basic detection and testing equipment. There is also a need for acquisition of equipment for destruction of counterfeits and pirated goods.

##### **Cooperation with international and regional specialized bodies**

At the international level, cooperation may be fostered so as to provide capacity building for customs officials on detection of imported counterfeits and pirated goods.

##### **Capacity building for enforcing organs:**

IPRs Enforcement agencies include customs officers, RIB officers (Police officers), economic crimes prosecutors, commercial and criminal judges, and advocates. These officers need to understand the IP system and its rationale in order to take proper action whenever called upon.

The capacity building for both judges and advocates can be planned in the short, medium and long term.

In the short term, a general introduction to IP and IP enforcement would be done as well as familiarization with the revised legislative framework.

In the medium term, continuous IP education should be organized, and in the long term, introducing Intellectual Property modules in universities or science and technical schools' curricula should be envisaged.

### **Publication of Reported Case Law**

In addition to regular training for all enforcement professionals and IP retreats for judges, there is a need to have access to the Compendium of IPR case law and other reading materials of interest to commercial and criminal judges.

Intellectual Property has an international character. In this perspective, there is a need to make IP court decisions available to the IP community as a whole. In this respect, Court decisions should be compiled and published in English, Kinyarwanda and French, and they should also be regularly updated to add new cases.



## **X. IP AWARENESS**

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### **(a) Public awareness campaigns on the revised IP Policy and Legal Framework**

There are both short-term and medium-term needs related to public IP education and awareness. In the short-term technical and financial support should be directed to developing and delivering programmes about the importance of innovation and creativity for the achievement of Vision 2020 and the goals of EDPRS, the role of IP in the wider scheme and the provisions of the new IP Law. Particular emphasis will have to be given to flexibilities, safeguards and exceptions.

In the medium-term, technical and financial support will be needed to create a core of IP agents and professionals such patents and trademarks agents, licensing specialists, branding specialists that would support the system, develop targeted programmes for the private sector and IP professionals, such as the law society, copyright collective, management organization (CMO), patent and trademark agents, chamber of commerce, business organizations, traditional knowledge right holders as well as journalists. Equally important will be raising awareness of universities and research institutions which are the reservoir of IPRs, on the importance of developing institutional IP policies with a view to making strategic and efficient use of the IP system.

### **(b) IP Awareness rising and Education for IP professionals and partner institutions and the public at large**

Intellectual property is an increasingly important means of supporting growth for a sustainable and balanced economy, and awareness must be a priority to domesticate IP in Rwanda. In the short and medium terms of the coming EDPRS III and Vision 2035, technical and financial support will be needed to develop targeted programs, and measures/strategies, such as:

- Develop and conduct orientation trainings to build the capacity of the IP Office and IP professionals;
- Introduce IP in the educational curricula to domesticate IP in schools and universities;
- Develop targeted programs for the private sector and IP users and potential users as well as partners, such as: the media, civil societies, research centers, accelerator units, customs bodies, judiciary, attorneys, chambers of commerce and the creative industries.
- Develop technical measures to prevent access to infringing content;
- Develop and implement Enforcement activities involving enforcement bodies;
- Create exhibition space for inventions/ innovations/arts works and organize thematic IP contest and Award.

## 5. STAKEHOLDER VIEWS

The overall goal of stakeholder consultations is the gathering, enrichment of the general policy orientation. The aspect of mobilization of all stakeholders in government institutions, agencies and the private sector was carried out to effectively harmonize the possible operational issues from the different sector players to serve as a key ingredient in effective policy orientation.

The principles of stakeholder participation in policy and other legal instruments' implementation and mutual partnerships, appropriate infrastructural support considerations and funding were also taken into consideration. The contributions were used to enrich this policy paper and also to strengthen sections on which adequate information and enrichment was necessary. The drafting of this policy and the relevant law included seeking the views of the following key stakeholders; MINIJUST, MITEC, MINAGRI, MINECOFIN, MINISANTE, RLRC, MINISPOC, RDB, NIRDA, NCST, RSB, PSF, Civil Society, Rwanda Bar Association, Academia, Researchers regarding the appropriateness, completeness, and relevance of the matters and policy direction developed.

## 6. IMPLEMENTATION PLAN

Interventions need to be approached in a coordinated manner and a short to medium term implementation plan is annexed

## 7. FINANCIAL IMPLICATIONS

This new policy will definitely need financial support from all possible sources such government, private sector and development partners. The bulk of the support however is expected to be provided by the Government of Rwanda through regular budgetary allocation.

## 8. LEGAL IMPLICATIONS

The legal context for the revised IP policy is anchored in the existing IP law. The IP law is also under review to make it more efficient and effective. More regulations will also be developed and existing ones improved to effectively support this new policy. The following legal instruments will be revised as well to reflect the new orientation of the policy:

- Law on the protection of Intellectual Property
- Law governing seeds and plant varieties in Rwanda
- Law on the protection of Culture Heritage

- Ministerial Order N°07/10/MINICOM of 25/08/2010 determining the structure and functioning of the Council of Appeal in charge of settling IP disputes
- Ministerial Order N°25/2016 of 17/03/2016 determining the timeframes for granting a compulsory license and opposition to registration of IP.
- Ministerial Order N°24/2016 of 17/03/2016 determining fees payable for registration services of IP
- Ministerial Order fixing the form and content of the power of attorney in IPRs

To supplement such an array of instruments, Ministerial instructions may be developed.

## 9. HANDLING PLAN

Once this policy has been adopted, dissemination to stakeholders will follow with extensive, regular, themed consultation forums for the discussion of this policy implementation.

The following methods shall be used to disseminate the policy document:

- Posting of the document to the MINICOM website for easy download.
- Distributing the document during seminars and workshops to be held with stakeholders.
- Organized series of sensitization workshops within stakeholder institutions and organisations.

## ANNEX: IMPLEMENTATION ROADMAP

	POLICY ISSUE	ACTIONS	LEAD INSTITUTION	TIMELINE
1.	Review of the legal framework	<ul style="list-style-type: none"> <li>o Amendment of IP Law</li> <li>o Stakeholders meeting to review the revised law to be organized by MINICOM</li> <li>o Validation session to be organized by Minicom</li> <li>o IP Law approval and adoption process</li> </ul>	Technical Team led by MINICOM	December to March 2018
2.	Capacity building and setting up of infrastructure to facilitate IP administration	<ul style="list-style-type: none"> <li>o Develop the structure of the new independent IP office, having departments to administer industrial property and copyright matters</li> <li>o Mobilise resources to fund the new IP office</li> <li>o Establishment of the new IP office</li> <li>o Recruit more staff capable of carrying out all its envisioned functions and possessing the requisite expertise</li> <li>o Study tour to selected IP offices which are success stories in Africa for benchmarking</li> <li>o Identifying needs and seeking necessary technical Support of WIPO, and ARIPO for assisting in capacity development for the IP Office</li> <li>o Seeking partnership with other IP Offices with best-practice IP Administration</li> </ul>	MINICOM/RDB/New IP Office	March 2019 onwards

3.	Restructuring and of the Rwanda Development and Intellectual Property Forum and establishing the new Structure and its mandate	<ul style="list-style-type: none"> <li>o To develop a clear mandate and ToRs of the members of RDIPF</li> <li>o Official nomination of the members to be requested to the institutions</li> <li>o Set a calendar of meetings and calendar of IP policy monitoring and evaluation</li> </ul>	MINICOM/IP Office	October 2019
4.	Intensive awareness creation on IPRs	<ul style="list-style-type: none"> <li>o Develop and conduct orientation trainings to build the capacity of the IP Office and IP professionals;</li> <li>o Introduce IP in the educational curricula to domesticate IP in schools and universities;</li> <li>o Develop targeted programs for the private sector and IP users and potential users as well as partners, such as: the media, civil societies, research centers, accelerator units, customs bodies, judiciary, attorneys, chambers of commerce and the creative industries.</li> <li>o • Develop and implement Enforcement activities involving enforcement bodies;</li> <li>o • Create exhibition space for inventions/innovations/arts works and organize thematic IP contest and Award.</li> </ul>	IP Office/RDIPF	From March 2019 onwards

5.	Capacity building on IP Enforcement	<ul style="list-style-type: none"> <li>o Capacity building for enforcing organs</li> <li>o Provision of Equipment for detection of counterfeits and pirated goods, and their destruction</li> <li>o Cooperation with international and regional specialized bodies</li> </ul> <p>Publication of Reported Case Law Having access to case law and other reading</p>	IP Office in collaboration with RRA/RIB/ NPPA/ Judiciary/ Bar Association/ RSB / RICA	March 2019 onwards
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