



**THE REPUBLIC OF UGANDA**

**MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS**

**NATIONAL INTELLECTUAL PROPERTY POLICY**

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## Foreword

Uganda's success in the knowledge-based economy is critically dependent on effective mechanisms for nurturing innovation and creativity. This National Intellectual Property (IP) Policy intends to support efforts towards achieving objectives of Uganda Vision 2040, the Second National Development Plan (NDPII, 2015/16-2020/2021) and the United Nations' 17 Sustainable Development Goals (SDGs)<sup>1</sup>, through IP.

In developing this policy, it has emerged that many Ugandans are engaged in innovative and creative activities that directly benefit academia, public and private sectors of the economy. These activities include, but are not limited to, development of new technologies; research and development; performing arts; informal sector inventions; and other creative endeavors. As a result, significant IP assets have been generated, including patented inventions; copyright materials; valuable trade secrets; trademarks; and new plant varieties. Unfortunately, the extent to which these IP assets are currently exploited in both public and private sectors remains highly constrained, in spite of the Government of Uganda acknowledging intellectual property (IP) as an essential prerequisite for sustainable development.

The history of IP in Uganda dates back to pre-independence when Uganda inherited the British IP System. For example, the first trademark was registered in 1913 under Britain's Patents, Designs and Trademarks Ordinance of 1912. Since then there was growth in IP registrations and grants through various IP legislations. Uganda acceded to the Convention establishing the World Intellectual Property Organization (WIPO) on 18<sup>th</sup> July 1973 and is signatory to other IP-related Agreements, Treaties and Protocols. Uganda also established Uganda Registration Services Bureau (URSB) and enacted a number of IP-related laws. Whereas the Constitution of the Republic of Uganda provides for the right to own property, it does not explicitly provide for the protection of IP rights (IPRs). Nonetheless, a number of national and sectoral policies, strategies and plans address IP issues, which have laid the foundations for innovation and creativity.

These commendable developments notwithstanding, there remains limited appreciation of the potential of IP as a driver of socioeconomic development. This is characterized by low levels of IP awareness, especially among the informal sector which accounts for over 50% of GDP (UBOS, 2015); limited prioritization of Research and Development (R&D) as evidenced by Gross Expenditure on Research and Development (GERD) of 0.5% (GII, 2016); low levels of IP registration; poor IP enforcement; lack of skills among IP workforce; prohibitive costs associated with acquiring IP rights; and continued failure to establish effective mechanisms and frameworks required for proper and formal facilitation of key functions such as technology transfer and adaptation, technology development and technological business incubation (TBI).

Therefore, there is a need to strengthen the National IP System through practical interventions that enhance the contribution of IP to the socioeconomic development of Uganda. This National IP Policy seeks to direct the process of mainstreaming the integration of IP into priority national development

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<sup>1</sup> Sustainable Development Goals (SDGs), officially known as Transforming Our World: The 2030 Agenda for Sustainable Development is a set of 17 aspirational "Global Goals" with 169 targets between them. Spearheaded by the United Nations, through a deliberative process involving its 194 Member States, as well as global civil society, the goals are contained in paragraph 54 United Nations Resolution A/RES/70/1 of 25 September 2015.

policies, strategies and plans, for purposes of contributing to accelerated realization of national development goals.

It is against this background that the Government of Uganda has collaborated with the World Intellectual Property Organization (WIPO) towards development of this National IP Policy. The policy intends to encourage both public and private sectors to recognize and harness the value of IP for the benefit of all Ugandans.



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## List of Acronyms

ARIPO	Africa Regional Intellectual Property Organization
CBD	Convention on Biological Diversity
CMOs	Collective Management Organizations
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GI	Geographical Indications
GII	Global Innovation Index
ICT	Information and Communication Technology
IP	Intellectual Property
IPO	Intellectual Property Office
IPR	Intellectual Property Rights
JLOS	Justice Law and Order Sector
LDC	Law Development Centre
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MoES	Ministry of Education and Sports
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MoH	Ministry of Health
MoICT	Ministry of Information and Communication Technology and National Guidance
MoJCA	Ministry of Justice and Constitutional Affairs
MoSTI	Ministry of Science, Technology and Innovation
MSMEs	Micro Small and Medium Enterprises
MTIC	Ministry of Trade, Industry and Cooperatives
NARO	National Agricultural Research Organization
NDP	National Development Plan
NPA	National Planning Authority
NSTP	National Science and Technology Plan
PCT	Patent Cooperation Treaty
PSFU	Private Sector Foundation Uganda
R&D	Research and Development
RTOS	Research and Technology Organizations
SDGs	Sustainable Development Goals
STI	Science, Technology and Innovation
STEI	Science, Technology, Engineering and Innovation
TBI	Technology Business Incubation
TCE	Traditional Cultural Expressions
TISC	Technology and Innovation Support Centre
TK	Traditional Knowledge
TRIPs	Trade Related Aspects of Intellectual Property Rights
TTO	Technology Transfer Office
UBOS	Uganda Bureau of Statistics
UCC	Uganda Communications Commission
UEPB	Uganda Export Promotion Board
UFMI	Uganda Federation of Movie Industry
UIA	Uganda Investment Authority
URI	Uganda Industrial Research Institute
UMA	Uganda Manufacturers Association

UNBS	Uganda National Bureau of Standards
UNCCI	Uganda National Chamber of Commerce and Industry
UNCST	Uganda National Council of Science and Technology
UNDP	United Nations Development Programme
UPRS	Uganda Performing Rights Society
URA	Uganda Revenue Authority
URRO	Uganda Reproduction Rights Organization
URSB	Uganda Registration Services Bureau
USSIA	Uganda Small Scale Industries Association
UVRI	Uganda Virus Research Institute
WCO	World Customs Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

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## Glossary of Terms<sup>2</sup>

The following terms carry the meanings/interpretations ascribed below, throughout this National IP Policy document.

**“Commercialization”** means the process by which a new product or service is introduced into the general market principally for financial gain

**“Copyright”** means an IP right pertaining to the exclusive legal right, given to an author or an assignee of a literary, artistic or scientific work.

**“Cultural Expression”** means “those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.”

**“Enforcement”** means the act of compelling observance of or compliance with a law, regulation, rule, or obligation.

**“Generation”** means the creation, production, initiation, origination, inception, inspiration of something.

**“Geographical Indication”** means an IP right pertaining to a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin.

**“Industrial Design”** means an IP right that protects the ornamental or aesthetic aspect of an article. An industrial design may consist of three dimensional features, such as the shape of an article, or two dimensional features, such as patterns, lines or color.

**“Intellectual Property (IP)”** means a legal concept which refers to creations of the mind for which exclusive rights are recognized. These rights are conferred to a variety of intangible assets, such as musical, literary and artistic works; discoveries and inventions; words, phrases, symbols, and designs.

**“Intellectual Property (IP) Policy”** means a set of measures formulated and implemented by government/institution/organization, to encourage and facilitate effective creation, development and management of IP assets. It defines approaches towards developing the infrastructure and capacities necessary for enabling inventors and creative industries protect, develop and exploit their inventions and innovations.

**“Intellectual Property Rights”** refers to the assignment of monopoly rights on the use of intellectual content for a specified period of time; through patents, copyright, trademarks, industrial designs, geographic indicators, utility models and trade secrets.

**“Patent”** means an IP right from a government authority or license conferring a right or title for a set period, especially the sole right to exclude others from making, using, or selling an invention.

**“Pirated Copyright Goods”** refers to any goods which are copies made without the consent of the right holder or person duly authorized by the right holder in the country of production and which are made directly or indirectly from an article where the making of that copy

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<sup>2</sup> The majority of these definitions are drawn from the World Intellectual Property Organization (WIPO) glossary of key terms related to Intellectual Property (IP) and the TRIPs Agreement. It is however, noteworthy that there are as yet no universal/international accepted definitions for some IP-related terms.

would have constituted an infringement of a copyright or a related right under the law of the country of importation.

**“Protection”** means a legal or other formal measure intended to preserve civil liberties and rights.

**“Sui Generis”** is a Latin term meaning “of its own kind” or class and is often used to describe that which is unique or peculiar.

**“Technology Development”** means the use of scientific and technological knowledge to solve practical problems, especially in industry and commerce.

**“Technology Transfer”** means the transfer of new technology from the originator to a secondary user, especially from developed to less developed countries in an attempt to boost their economies.

**“Trademark”** means an IP right pertaining to a symbol, word, or words legally registered or established by use as representing a company or product. Synonyms for trademark include; logo, brand, emblem, sign, mark, stamp, symbol, badge, crest, monogram, colophon.

**“Trademark Counterfeit Goods”** refers to goods, including packaging, bearing without authorization a trademark which is identical to the trademark validly registered in respect of such goods, or which cannot be distinguished in its essential aspects from such a trademark, and which thereby infringes the rights of the owner of the trademark in question under the law of the country of importation.

**“Trade Secret”** means a formula, practice, process, design, instrument, pattern, or compilation of information which is not generally known or reasonably ascertainable, by which a business can obtain an economic advantage over competitors or customers.

**“Traditional Knowledge”** refers to the knowledge resulting from intellectual activity in a traditional context, and includes knowledge, practices, skills and innovations. It embodies the traditional lifestyles of indigenous peoples and local communities and is transmitted from generation to generation.

**“Utility Model”** means an IP right to protect inventions, through national statute provisions. It is similar to a patent, but with a shorter term and less stringent requirements.

**“Value Chain”** means the process or activities by which value is added to an article or system. In this policy the value chain involves generation, protection, commercialization and enforcement.



## Chapter 1: Situation Analysis and Policy Development Process

### 1.0 Introduction

The purpose of this National Intellectual Property (IP) Policy is to provide direction on short, medium and long-term activities and interventions that will enable IP stakeholders effectively work together towards creating, protecting and commercially exploiting research results, innovations, new technologies and creative works. The policy is anchored on the chain and linkages of the creation, protection and utilization of IP, through strengthening of academia-government-private sector collaboration on the one hand, and the enhancement of content and human capital development for poverty and disease eradication on the other. Accordingly, the direction of this policy is informed by the United Nations Sustainable Development Goals (SDGs) for the time horizon up to the year 2030. IP has a critical role to play towards achieving the majority of the 17 SDGs<sup>3</sup>, as illustrated in the various sections of this policy.

The role of IP in “transforming Ugandan society from a peasant to a modern and prosperous country” is rooted in the fact the most dynamic sectors of the economy are currently, those involving knowledge-intensive activities that are contributing to accelerated scientific, technological, innovative and creative advances. The sectors include: agriculture (e.g. food security and new plant varieties); industry (e.g. advanced and automated technologies); energy (e.g. renewable energy); ICT (e.g. software and hardware solutions); education (e.g. online training programs); and health (e.g. pharmaceuticals). All these sectors are expected to become more reliant on IP as a primary asset than on physical inputs or natural resources in the near future, as a means to enhance productivity and product quality.

In regard to enhancing economic competitiveness, the value of IP is founded in its contribution towards the development and sustainable exploitation of human ingenuity and creativity. Trademarks, Geographical Indications, Industrial Designs, Patents, Copyright and Trade Secrets can all significantly contribute to enhancing innovation and creativity.

The relevance of IP in promoting sustainable wealth creation, employment creation and inclusive growth is ingrained in the increasing relevance of IP to key sectors of the national economy, such as agriculture; trade and industry; science, technology and innovation; ICT; health; tourism; culture; environment; and labour. As Uganda transitions towards knowledge-based economy status, these and other sectors will all progressively depend on access to and use of IP to generate wealth and social good. The more IP becomes central to socioeconomic development and wealth creation, the more it will be elevated as a strategic micro and macro-economic tool for inclusive growth.

This policy is structured as follows. Chapter 1, presents the situation analysis and articulates the policy development process. Chapter 2, presents the National IP Policy including the strategic identity and direction, as well as the framework for implementation, monitoring and evaluation of policy effectiveness.

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<sup>3</sup> The 17 SDGs are: no poverty; zero hunger; good health and well-being; quality education; gender equality; clean water and sanitation; affordable and clean energy; decent work and economic growth; industry, innovation and infrastructure; reduced inequalities; sustainable cities and communities; responsible consumption and production; climate action; life below water; life on land; peace, justice and strong institutions; and partnerships for the goals.

## **1.1 Background and Context**

The Government of the Republic of Uganda has for a long time acknowledged IP as an essential prerequisite for sustainable development. The Ministry of Justice and Constitutional Affairs (MoJCA) is mandated to ensure that Uganda upholds the rule of law and good governance. Accordingly, the Honourable Minister responsible for MoJCA directed URSB, in its capacity as the National IP Office, to develop a National IP Policy that establishes IP as a driver of socioeconomic development.

The IP situation in Uganda is currently characterized by low levels of IP awareness, especially in the informal sector which accounts for over 50% of GDP (UBOS, 2015); limited prioritization of Research and Development (R&D) as evidenced by Gross Expenditure on Research and Development (GERD) of 0.5% (GII, 2016); low levels of IP registration; poor IP enforcement; lack of skills among IP professionals; prohibitive costs associated with acquiring IP rights; and continued failure to establish effective mechanisms and frameworks required for proper and formal facilitation of key functions such as technology transfer and adaptation, technology development and technological business incubation (TBI) .

The goals and objectives of this National IP Policy will contribute to the realization of Uganda Vision 2040 and Second National Development Plan (NDPII) aspirations through; catalyzing transition from agrarian to knowledge-based economy; promoting IP as a tool for all-inclusive transformation of academia, creative, informal, public and private sectors of the national economy. Appropriate policy strategies have been developed to facilitate the harnessing of IP as an agent for enhanced: innovation and creativity; productivity and competitiveness; knowledge-based skills capacity building; technology transfer and development; wealth and employment creation across all sectors of the national economy.

It is against this background that the Government of the Republic of Uganda partnered with WIPO to develop this National IP Policy.

## **1.2 Situation Analysis**

The situation analysis that follows presents current IP practices, operating environment and existing gaps in Uganda. It is further informed by key considerations under the following thematic areas:

- a) Generation, protection, commercialization and enforcement of IP rights;
- b) Integration of IP into national and sectoral policies, strategies and plans;
- c) Linkage between national, regional and international IP systems; and
- d) Use of the IP system to support local technology development and technology transfer.

### **1.2.1 Generation, Protection, Commercialization and Enforcement of IP Rights**

This section assesses IP rights generation, protection, commercialization and enforcement in Uganda.

#### **1.2.1.1 Generation**

An effective IP system is one that encourages innovation and creativity by facilitating and promoting application for IP rights. The total number of IP rights applications filed with

URSB for the period 2011 to 2016 were; patents (47), trademarks (15,048), and copyright (353)<sup>4</sup>. These are few and according to the Global Innovation Index (GII) 2016, all patent applications made in 2011 and 2012 were foreign, while no local patents of Ugandan origin were filed abroad in 2013.

Until 2014 when The Industrial Property Act, 2014 came into force, there were no provisions for local industrial design applications save for The United Kingdom Designs (Protection) Act, Cap. 218 which provided for automatic protection of UK designs in Uganda. Consequently, there is lack of incentive for value addition, innovation and creativity in design-centric industries such as handicrafts, fashion and artisans, among others, all of which can be protected through the industrial design system.

Similarly, there are few applications for utility models (e.g. 1 foreign application and 2 conversions in 2016, according to URSB), in spite of growing capacity for local technology development and adaptation in academia, public, private and informal sectors. Many of the researchers and innovators surveyed cited lack of national and institutional IP policies; inadequate IP awareness; limited access to quality IP services; and substantial costs associated with IP protection as the main reasons for their failure to secure IP rights. Assessment of higher education and public R&D institutions further revealed the currently intractable problem of failure to acquire IP rights, particularly patents due to lack of policy on ownership of IP generated using public resources. The foregoing notwithstanding, the overall level of innovation and creativity in the country is relatively low as exemplified in the Global Innovation Index (GII) which ranked Uganda 99 out of 128 countries in 2016. This explains the low level of IP generation.

### **1.2.1.2 Protection**

The level of registration of IP rights in Uganda remains low, compared to other countries. For example, only 8 patents were granted in 2015, compared to 207 in Kenya; 7,552 in South Africa; 16,135 in Mexico; 25,956 in Australia; 65,965 in Germany; and 578,802 in USA the same year. Similarly, only 2,666 trademark rights were granted in 2015, compared to 4,620 in Kenya; 35,418 in South Africa; 121,683 in Mexico; 118,353 in Australia; 202,886 in Germany; and 471,228 in USA the same year. No utility model and industrial design IP rights were granted in 2015<sup>5</sup>.

This low level of IP protection is attributable to a number of critical factors that include: capacity constraints in identification of potential IP assets<sup>6</sup>; low level of public awareness of IP system and services; few IP professionals and service providers; limited access to IP protection advisory services; inaccessibility of URSB for innovators seeking protection of their IP in remote locations; low level of stakeholder confidence in IP system, particularly in respect to enforcement mechanisms; scarcity of funding for acquisition and servicing of IP assets; and marginalization of informal sector in innovation and IP considerations..

The majority of IP applications submitted to URSB are for trademarks. Unfortunately, most trademark applications are not granted mainly due to failure of applicants to complete the registration process. According to URSB, approximately 40% of patent applications do not

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<sup>4</sup> National IP Statistics, IP Registry, Uganda Registration Services Bureau, 2015

<sup>5</sup> World Intellectual Property Organization, IP Facts and Figures, Economics and Statistics Series, 2015.

<sup>6</sup> Many potential beneficiaries of the IP system are not aware of the value of IP assets in their possession and mechanisms for acquiring appropriated IP protection.

satisfy requirements for patentability and/or are poorly drafted in respect to articulation of the inventive step.

### **1.2.1.3 Commercialization**

While significant progress has been made in the generation and protection of IP assets, very little has been done in respect to commercialization of IP assets. This is critically important since it is this capability that provides a gateway to meaningful exploitation of IP assets for socioeconomic transformation. Unfortunately, there are barriers that contribute to continued failure to commercialize IP assets.

In the case of higher education and R&D institutions, IP assets generated are seldom commercialized due to a mindset that wrongly places a higher premium on dissemination of research results through publications (“the publish or perish ethos”), conferences and end-users. The promotion prospects of most public institution researchers are heavily pegged on number of publications. Prospects for accessing public financing for applied R&D are also strongly tied to end-user utilization of research results, often within timeframes that are far too short to facilitate comprehensive protection and commercialization of the associated IP assets. In an effort to reverse this trend some higher education and R&D institutions are proactively establishing stronger end-user industry linkages, to facilitate more effective commercialization of their research results and/or IP assets. Examples include; the Ministry of Science, Technology and Innovation; Makerere University Private Sector Forum ; Uganda Industrial Research Institute and Makerere University technology business incubators (TBIs) that are fostering commercialization of applied R&D outputs.

These efforts notwithstanding, there remains need to devise practicable mechanisms for supporting the commercialization of IP rights from these sectors, by addressing challenges such as: lack of IP commercialization professionals; and weak institutional framework for commercialization of IP assets. It is also noteworthy that due to the bulk of research being publicly funded, many innovators do not feel the urge to commercialize protected IP, compared to their self-financing peers from the private sector who aggressively take their innovations to market. Public researchers are therefore, a high priority for IP commercialization sensitization.

The level of commercialization of literary works, audio-visual works (e.g. films and music), visual and creative arts through copyright and related IP assets in creative and cultural industries is also disproportionately low. This is due to a number of obstacles such as: limited access to URSB services; unfavorable registration costs; low recognition of importance of copyright-based industries; lack of appropriate IP-centric strategies for development of creative and cultural industries; high level of piracy and weak enforcement of copyright legislation and regulations; low level of awareness among creators and users of copyright; limited capacity for promotion of copyright; and low returns to copyright creators.

### **1.2.1.4 Enforcement**

Like many other African Countries, Uganda faces IP legislation enforcement related obstacles.

The enforcement of IP legislation in Uganda is currently the collective responsibility of a number of government agencies. These include;

- a) Uganda Registration Services Bureau (URSB), with overall responsibility for

enforcement of IP legislation and regulations. The bureau established an IP Enforcement Unit in October, 2016. The unit is a collaboration with Uganda Police Force which has attached officers to URSB to facilitate IP enforcement;

- b) Collective Management Organization (CMOs), for enforcement of copyright legislation, in close collaboration with URSB;
- c) Uganda Communications Commission (UCC), which plays a lead role on the IP Coordination Working Group (CWG) established in 2014 to engage in IP enforcement. Other members of the group include: URSB dealing with copyright infringement issues; Media Council on censorship; and Uganda Police Force to support enforcement activities;
- d) Uganda National Bureau of Standards (UNBS), for product certification and market surveillance for IP rights infringing products;
- e) Customs and Excise Department (CED) of the Uganda Revenue Authority (URA), for prohibiting entry of IP rights infringing products at national border posts. URSB has trained CED staff and cooperates with the agency for validation of violations; and
- f) The judiciary, for prosecution of IP violations and conflicts.

Unfortunately, this large number of stakeholders has resulted in an unwieldy IP enforcement framework that has so far failed to deliver expected impacts. There is lack of clarity on the remits and boundaries of specific agencies. There is also need to strengthen URSB to fulfil its core IP enforcement function, since current capacity is tightly tailored to IP registration.

Other major challenges to enforcement include lack of respect for IP rights, as exemplified by high levels of counterfeiting and piracy. Unfortunately, current redress mechanisms are not adequate to deter these illicit practices, a problem that is exacerbated by poor public perception of their negative impacts on innovation and creativity. One of the biggest barriers to innovation is the ability of third parties to copy and trade in products and services for which innovative and creative entrepreneurs have invested in research and market development. These third parties further strive to benefit from the same unsuspecting markets. This is especially problematic since resulting court cases are inordinately long and take place in Magistrates Courts that do not possess the requisite competences to properly handle IP-related litigation. There is urgent need to strengthen the Justice Law and Order Sector (JLOS), for more active participation in enforcement of legislation and regulations, particularly prosecution of IP rights disputes and violations.

Another overarching obstacle is general lack of a culture of respect for IP rights. For instance, URSB attempts to stamp out counterfeits are perceived as ‘stifling of livelihoods’ by many in the business community.

The overall result of the foregoing has been continued high influx of counterfeit goods and rampant infringement of copyright and other IP rights. It is therefore, essential that the Government of Uganda reviews, streamlines and strengthens working relationships, linkages and coordination among the various institutions that have active roles to play in IP enforcement. In this effort, it is important to build synergies among academia, government departments/agencies and the private sector, in order to ensure compliance with IP legislations and regulations, particularly the Copyright and Neighbouring Rights Act, 2006 by users. For example, UCC’s licensing of broadcasters should be conditional upon valid authorization from URSB and CMOs in order to safeguard protected works. Similarly, the MoES should ensure higher education institutions and schools have authorization to reproduce protected works.

Therefore, the key issues this policy needs to address, in respect to generation, protection, commercialization and enforcement of IP rights are ***“lack of appropriate IP infrastructure to support innovation and creativity”***; and ***“inadequate human capital development for the IP value chain”***.

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### 1.2.2 Integration of IP into National and Sectoral Policies, Strategies and Plans

This matrix that follows examines and elucidates the extent to which IP is currently linked to and/or integrated into various national and sectoral policies, strategies and plans. The goal is to identify gaps this policy must address in order to ensure coherent, coordinated and sustainable mainstreaming of IP as a tool for development across relevant sectors of the national economy.

Policy/Plan	Vision/Goal	Objective(s)	IP-Related Gap(s)
Second National Development Plan (NDPII), 2015/16 to 2019/2020	“Strengthening Uganda’s Competitiveness for Sustainable Wealth Creation, Employment and Inclusive Growth”	<ol style="list-style-type: none"> <li>1. Increase sustainable production, productivity and value addition in key growth opportunities;</li> <li>2. Increase the stock and quality of strategic infrastructure to accelerate the country’s competitiveness;</li> <li>3. Enhance human capital development; and</li> <li>4. Strengthen mechanisms for quality, effective and efficient service delivery.</li> </ol>	Whereas IP-related interventions are captured in the STEI sector, there is no explicit mention of IP-related interventions to support the objectives and strategies of key sectors of the national economy (including agriculture, health, trade, environment, energy, culture and education).
National Science, Technology and Innovation (STI) Policy, 2009	“A prosperous science and technology-led Ugandan society”	<ol style="list-style-type: none"> <li>1. Create an enabling policy environment to foster STI and augment their contribution to national development;</li> <li>2. Build STI sector capacity to generate and transfer technology;</li> <li>3. Establish and strengthen the legal and regulatory framework to ensure ethics and safety in STI development and application; and</li> <li>4. Strengthen the STI coordination framework to enhance sector performance.</li> </ol>	Lack of capitalization of the innovation fund created under the MoSTI; continued absence of key IP-related regulations; weak STI coordination and institutional framework; and low perception of the role of STI in socioeconomic development.
National Industrial	“To build the industrial sector into a modern,	<ol style="list-style-type: none"> <li>1. Exploit and develop natural domestic resource-based industries such as petroleum, cement, and fertilizer</li> </ol>	Lack of integration of IP into

<b>Policy/Plan</b>	<b>Vision/Goal</b>	<b>Objective(s)</b>	<b>IP-Related Gap(s)</b>
Policy, 2008	competitive and dynamic sector fully integrated into the domestic, regional and global economies	<ul style="list-style-type: none"> <li>industries; and promote competitive industries that use local raw materials;</li> <li>2. Promote agro-processing, focusing on food processing, leather and leather products, textiles and garments, sugar, dairy products, and value addition in niche exports;</li> <li>3. Promote knowledge-based industries such as ICT, call centres, and pharmaceuticals that exploit knowledge in science, technology and innovation; and</li> <li>4. Support engineering for capital goods, agricultural implements, construction materials, and fabrication /Jua Kali (colloquial for artisanal) operations.</li> </ul>	some sector policy actions.
National Trade Policy, 2007	“To transform Uganda into a dynamic and competitive economy in which the trade sector stimulates productive sectors of the economy, and to trade the country out of poverty, into wealth and prosperity”	<ul style="list-style-type: none"> <li>1. To develop and nurture private sector competitiveness, and to support the productive sectors of the economy to trade at both domestic and international levels, with the ultimate objective of creating wealth, employment, enhancing social welfare and transforming Uganda from a poor peasant society into a modern and prosperous society.</li> </ul>	The policy does not explicitly address the role of IP in trade sector development.
National Agriculture Policy, 2011	“A competitive, profitable and sustainable agricultural sector”	<ul style="list-style-type: none"> <li>1. Ensure household and national food and nutrition security for all Ugandans;</li> <li>2. Increase incomes of farming households from crops, livestock, fisheries and all other agriculture related activities;</li> <li>3. Promote specialization in strategic, profitable and viable enterprises and value addition through agro-zoning;</li> </ul>	This policy is silent on both IP and innovation in spite of the increasingly critical area of IP protection and commercialization of proprietary new plant varieties and their positive impacts on food security, productivity and disease control.



<b>Policy/Plan</b>	<b>Vision/Goal</b>	<b>Objective(s)</b>	<b>IP-Related Gap(s)</b>
		<ol style="list-style-type: none"> <li>4. Promote domestic, regional and international trade in agricultural products;</li> <li>5. Ensure sustainable use and management of agricultural resources; and</li> <li>6. Develop human resources for agricultural development.</li> </ol>	
Second National Health Policy (NHP II), 2010	“A healthy and productive population that contributes to socioeconomic growth and national development”	<ol style="list-style-type: none"> <li>1. Strengthen the organization and management of national health systems;</li> <li>2. Improve access to quality hospital services at all levels in both the public and private sectors;</li> </ol>	The policy does not address the issue of IP and access to medicines.
Uganda National Culture Policy, 2006	“A culturally vibrant, cohesive and progressive Nation”	<ol style="list-style-type: none"> <li>1. Promote and strengthen Uganda’s diverse cultural identities;</li> <li>2. Enhance social cohesion, collaboration and participation of all people in cultural life;</li> <li>3. Promote community action on cultural practices that promote and that impinge on human dignity; and</li> <li>4. Conserve, protect and promote Uganda’s tangible and intangible cultural heritage.</li> </ol>	The role of IP in the protection and promotion of cultural heritage is not articulated.
National Information and Communication Technology (ICT) Policy, 2010	“A knowledge society where Information and Communications Technology (ICT) is central in all spheres of life”	<ol style="list-style-type: none"> <li>1. Ensure efficient management and utilization of telecommunications resources for sustainable socioeconomic development;</li> <li>2. Further strengthen a legal and regulatory environment that supports development of Uganda’s Telecommunications sub- sector;</li> <li>3. Create a conducive environment for the establishment of a fully liberalized, neutral and competitive</li> </ol>	Whereas, the policy calls for legislation that addresses IP rights for e-transactions and online content, it does not mention how IP fosters ICT sector development.

Policy/Plan	Vision/Goal	Objective(s)	IP-Related Gap(s)
		<p>telecommunications sector; and</p> <p>4. Promote value added services, access to information and service needs to all sectors of society especially the marginalized sections of society (rural or low income communities and people with disabilities).</p>	
National Environment Management Policy for Uganda, 1995	“Sustainable social and economic development which maintains or enhances environmental quality and resource productivity on a long-term basis that meets the needs of the present generations, without compromising the ability of future generations to meet their own needs”	<ol style="list-style-type: none"> <li>1. Promote long-term, socio-economic development for improved health and quality of life through sound environmental and natural resource management;</li> <li>2. Integrate, in a participatory manner, environmental concerns in all development policies, plans, activities and budgets at national, district and local levels;</li> <li>3. Conserve, restore and gazette ecosystems to maintain ecosystems services for life support especially conservation of national biological diversity;</li> <li>4. Optimize resource use to achieve a sustainable level of resource consumption;</li> <li>5. Educate and raise public awareness on linkages between environment and development including employment, wealth creation and sustained economic growth; and</li> <li>6. Promote individual and community participation in environmental improvement activities</li> </ol>	Lack of linkage between IP and access to genetic resources, yet IP can help achieve the balance desired between socioeconomic development and environmental protection.
National Biodiversity Strategy and Action Plan, 2002	“Maintaining a rich biodiversity benefiting the present and future generations for national development”	<ol style="list-style-type: none"> <li>1. Develop and strengthen co-ordination, measures and frameworks for biodiversity management;</li> <li>2. Facilitate research, information management and information exchange on biodiversity;</li> <li>3. Reduce and manage negative impacts on biodiversity;</li> </ol>	The Plan does not properly address IP and only makes a solitary reference to lack of a coherent policy and regulatory framework that specifically addresses IP rights as one of

Policy/Plan	Vision/Goal	Objective(s)	IP-Related Gap(s)
		<ol style="list-style-type: none"> <li>4. Promote the sustainable use and equitable sharing of costs and benefits of biodiversity; and</li> <li>5. Enhance awareness on biodiversity issues among the various stakeholders.</li> </ol>	many issues.
Energy Policy for Uganda, 2002	“Meet the energy needs of Uganda’s population for social and economic development in an environmentally sustainable manner”	Strengthen, enlarge and make efficient power supply in order to enable the provision of adequate and reliable energy to meet national economic and social development needs.	The policy is silent on innovation and IP in spite of the fact research, development and innovation, and therefore IP, continue to play key roles in alternative, sustainable and renewable energy technology development in Uganda.
Education Sector Strategic Plan (2007-2015)	The education sector has no universal vision for its several discrete policies, strategies, plans.	<ol style="list-style-type: none"> <li>1. Increase and improve equitable access to quality education;</li> <li>2. Improve the quality and relevance of primary education; and</li> <li>3. Improve effectiveness and efficiency in delivery of primary education</li> </ol>	The plan does not address the role of IP in education sector development.
National Biotechnology and Biosafety Policy, 2008	“To contribute to the national goals of poverty eradication, improved healthcare, food security, industrialization and the protection of the environment through the safe application of biotechnology”	<ol style="list-style-type: none"> <li>1. Build and strengthen national capacity in biotechnology research, development and application;</li> <li>2. Promote the utilization of biotechnology products and processes as tools for national development;</li> <li>3. Provide a regulatory and institutional framework for safe and sustainable biotechnology development and applications; and</li> <li>4. Promote ethical standards in biotechnology research</li> </ol>	The policy is silent on IP in spite of the fact research, development and innovation, and therefore IP, continue to play key roles in the advancement and application of biotechnology and biosafety in Uganda.

Policy/Plan	Vision/Goal	Objective(s)	IP-Related Gap(s)
Uganda Micro Small and Medium Enterprises (MSMEs) Policy, 2015	“A critical mass of viable, dynamic and competitive MSMEs, significantly contributing to the socio-economic development”	<p>and development.</p> <ol style="list-style-type: none"> <li>1. Provide enabling environment through policy, legal and institutional coordination framework;</li> <li>2. Promote research, product/process development, innovation, value addition and appropriate technologies including ICT;</li> <li>3. Promote product and service standards for quality assurance;</li> <li>4. Support access to markets and business information services;</li> <li>5. Increase access to credit and financial services;</li> <li>6. Enhance capacity building entrepreneurship, vocational, business and industrial development skills; and</li> <li>7. Enhance gender equity, inclusiveness and environmentally friendly businesses for sustainable development.</li> </ol>	Apart from a policy intervention “to identify, protect, evaluate and exploit IP assets as business tools and sensitize MSMEs on IP Rights”, the policy does not explicitly address the role of IP in MSME development.

### **1.2.3. Linkage between National, Regional and International IP Systems**

Uganda is a signatory to several regional and international IP-related Agreements, Treaties and Protocols. Annex 1 provides a comprehensive list of the main international IP-related Agreements, Treaties and Protocols to which Uganda is a signatory, and the IP-related Associations to which the country belongs and must therefore, be compliant.

Unfortunately, the National IP System is currently not equipped to facilitate multi-sectoral compliance to the requirements and obligations of several international IP-related Agreements, Treaties and Protocols. This is mainly due to operational constraints that include inadequate; legislation and regulations, staffing, skills and expertise, physical and technological infrastructure.

Some IP-related Agreements, Treaties and Protocols have also only been partially operationalized or remained dormant since accession. These include the Patent Cooperation Treaty (PCT) which Uganda signed on 9<sup>th</sup> February 1995 which has been partially operationalized. There is need to rationalize putting these capacities in place in order to unlock tangible benefits that may accrue to the National IP System.

It is also important to consider Uganda's membership to other international IP-related Agreements, Treaties and Protocols that stand to serve the best interests of the country. Examples include: Madrid Protocol for international registration of Trademarks; Hague Agreement for international registration of industrial designs; Berne Convention for protection of literary and artistic works; Nice Agreement for international classification of goods and services; Swakopmund Protocol for traditional knowledge and folklore; WIPO copyright Treaty; and WIPO Performances and Phonograms Treaty.

Overall, effective linkage between National and International IP Systems is critical to facilitating: IP-related capacity building initiatives; sustainable technology transfer, diffusion and commercial exploitation; and adoption of internationally benchmarked IP-related best practices. This can be achieved through proactive efforts to fully align and utilize existing international IP alliances, as well as accession to other appropriate international IP treaties, protocols and agreements and relevant IP-related associations that best complement national development objectives and strategies.

### **1.2.4 Role of IP in Promoting Technology Transfer**

Technology transfer pertains to the transfer of new technologies from originators, typically from more developed countries to secondary users, often from less developed countries in an attempt to boost their economies. The second National Development Plan (NDPII)<sup>7</sup>, National Agricultural Policy (2011)<sup>8</sup>, National Science, Technology and Innovation Policy (2009)<sup>9</sup> and National Industrial Policy

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<sup>7</sup> Under the NDPII, the industrial development sub-sector aims to promote sustainable industrialization through technology transfer. Information and Communication Technology (ICT) sector interventions include developing a framework for bilateral technology transfer. Development partners are to be engaged to support technology transfer.

<sup>8</sup> Although there is no explicit reference to technology transfer, the National Agricultural Policy (2011) includes the key objective of increasing the productivity and income of the people of Uganda through increasing access to technologies for value addition and agro processing and enhance market access.

(2008)<sup>10</sup> all acknowledge the importance of technology transfer, clearly articulating its contribution to socioeconomic development. The majority of technologies currently utilized in Uganda have been transferred from foreign countries, through a variety of mechanisms that include; technical cooperation, development aid projects, foreign direct investments (FDIs), licensing agreements, joint ventures and direct purchases by public institutions and private sector firms.

IP can potentially be an effective tool in promoting technology transfer in to the country. Specifically, capacity for local IP rights protection would engender the confidence of suppliers of proprietary technologies to avail and exploit their innovations in Uganda. With IP rights secured, suppliers can directly transfer and exploit their innovations here, through FDIs and joint ventures. They may also exercise the option to grant local users the privileges to exploit their innovations, through licensing agreements, thereby contributing to accelerated industrial and socioeconomic development.

There is currently no reliable data on proprietary technology transfer inflows into Uganda through such mechanisms. This notwithstanding, it is clear there are very few cases of industrial property rights applications in the country, indicating IP is playing a very limited role in promoting technology transfer.

### **1.2.5 Role of IP in Promoting Local Technology Development**

Another avenue for access to technology is indigenous development, through internal exchanges between institutions, organizations and individuals that develop, adapt and utilize technologies for commercial exploitation. Unfortunately, indigenous technology development is extremely rare in Uganda, on account of limited infrastructure, technical capabilities and resources. Poor publicity and weak institutional linkages also greatly contribute to failure to connect technology originators to end-users.

Another constraint to in-country technology development is the fact the majority of technologies showcased by public institutions are often in early stages of development. They therefore, do not inspire confidence and are not amenable for uptake by the private sector. The lack of institutional IP policies that address indigenous technology development further exacerbates these difficulties.

Therefore, the key issue this policy needs to address, in respect to integration of IP into national and sectoral policies, strategies and plans (section 1.2.2); linkage between national, regional and international IP systems (section 1.2.3); role of IP in promoting technology transfer (section 1.2.4); the role of IP in promoting local technology development, adaptation and transfer (section 1.2.5) is *“inadequate utilization of the IP system”*.

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<sup>9</sup> The goal of the National Science, Technology and Innovation Policy (2009) is to strengthen national capability to generate, transfer and apply scientific knowledge, skills and technologies that ensure sustainable utilization of natural resources for the realization of Uganda’s development objectives.

<sup>10</sup> The National Industrial Policy (2008) aims to improve the industrial performance through promoting technology transfer for value addition, establishment of industrial and business parks, promotion of technological business incubation and development of capacity for innovation of indigenous technologies.

### 1.3 Problem Statement

Intellectual Property (IP) relates to human innovation and creativity, and there should be no constraints from the exploitation of one's freedom of innovation and creativity. However, in Uganda the freedom for innovation and creativity is constrained by limited capacity for generation, protection, commercialization and enforcement that constitute the IP value chain. These constraints include lack of appropriate infrastructure; inadequate human capital development and utilization of the IP System. The constraints have had a negative impact on the country's drive towards attainment of the aspirations of SDGs, Uganda Vision 2040 and NDP II which are all geared towards driving the country towards middle income status. This policy will enable generation, protection, commercialization and enforcement in order to promote innovation and creativity for sustainable development.

### 1.4 Policy Development Process

The policy is founded on:

- a) Analysis of information, data, views and recommendations gathered from a stakeholder survey<sup>11</sup> on the status of innovation and creativity in Uganda;
- b) Review of extent of IP integration into relevant national and sectoral development policies, strategies and plans;
- c) Review of national IP legislation and regulations, as well as requirements of regional and international IP treaties, agreements, protocols and associations Uganda has acceded to (see Annex 1);
- d) Review of recent IP literature and statistics on Uganda;
- e) Analysis of IP Situation in Uganda;
- f) Review of impacts and lessons learnt from implementation of National IP Policies and Strategies in selected countries including; Chile, China, India, Japan, United Kingdom, Australia, Canada, Ghana, Ethiopia, Rwanda and Mauritius (policy benchmarking);
- g) Identification of key issues this policy should address;
- h) Development of policy objectives, goals, statements, strategies, vision and mission;
- i) Guidance, technical and financial support from WIPO; and
- j) Consultations with and guidance from National IP Policy Steering Committee and URSB management; and
- k) Consultation with stakeholder for policy validation.

To the extent possible, this policy has been developed through a holistic and pragmatic approach that aims to facilitate effective application of IP for: national development; encouraging innovation; promoting the growth of creative industries; safeguarding the welfare of Ugandans; and most importantly, comprehensively and equitably meeting IP stakeholder needs.

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<sup>11</sup> Kamugasha D., "Study on Intellectual Property (IP) Situation in Uganda", Developing Innovation and Intellectual Property Policy and Strategy for Uganda, National Consultancy Report, World Intellectual Property Organization, (2014).

## **Chapter 2: National IP Policy**

### **2.0 Vision**

A Uganda where innovation and creativity stimulate sustainable development.

### **2.1 Mission**

To create a robust IP value chain that fosters innovation and creativity as pillars for sustainable development.

### **2.2 National IP Policy Issues**

The key issues this policy needs to address are those emerging from the IP situation analysis in Section 1.2. They are:

- a) Lack of appropriate IP infrastructure to support innovation and creativity;
- b) Inadequate human capital development for the IP value chain; and
- c) Inadequate utilization of the IP system.

This policy addresses these issues in the sections that follow.

### **2.3 Policy Goals**

The goals of this policy are drawn from the key issues it must address, substantially as presented in Section 2.2. These are:

- a) To establish appropriate IP infrastructure that supports innovation and creativity;
- b) To develop human capital for the IP value chain; and
- c) To enhance utilization of the IP system.

### **2.4 Policy Objectives, Statements, Strategies and Key Actions**

The policy goals presented in Section 2.3 provide the context for the specific policy objectives, strategies and key actions presented in the sections that follow.

#### **2.4.1 Policy Goal 1: To establish appropriate IP infrastructure that supports innovation and creativity**

**Policy Objective 1:** To enhance IP infrastructure capacity for the generation, protection, commercialization and enforcement of IP.

**Policy Statement 1:** The Government of Uganda will enhance IP infrastructure capacity for the generation, protection, commercialization and enforcement of IP, through an enabling environment, interventions and incentives that stimulate innovation and creativity.



## **Strategies:**

- a) Strengthen IP physical and technological infrastructure;
- b) Facilitate National IP office to develop capacity for fully automated and online registration of all IP, in a manner compliant with required international standards;
- c) Facilitate access to technological information contained in patent documents among higher education institutions; research institutions; creative industries; private sector firms; and individual researchers, and encourage its practical utilization;
- d) Facilitate access to information contained in IP repositories among higher education institutions; research institutions; creative industries; private sector firms; and individual researchers, and encourage its practical utilization;
- e) Strengthen and enhance National IP Office regional branches and other stakeholder institutions for more effective IP outreach services;
- f) Strengthen and enhance institutional capacity for effective IP outreach services;
- g) Facilitate and promote utilization of appropriate international organization IP-related infrastructure and resources, in order to encourage innovation and creativity;
- h) Enhance infrastructure for hands-on and interactive arts, science and technology programs at all levels of the educational system, in order to develop creative and innovative potentials among students;
- i) Increase and sustain research and development funding to at least 1 % of GDP to support infrastructure development and provide incentives to enable the private sector increase its contribution to research and development;
- j) Create dynamic national IP repositories (including online portals and databases) that provide information on protected and commercialized IP assets, for the benefit of IP owners; end-users; enforcement agencies; policy makers; and the general public; and
- k) Create a data base of locally developed, adapted and transferred technologies.

## **Key Actions:**

- a) Fast-track utilization of WIPO's Technology and Innovation Service Centers (TISC) program in higher education and research institutions;
- b) Fully utilize WIPO's contemporary Access to Scientific Publication and Information (ASPI); Access to Research for Development and Innovation (ARDI); and other similar resources; and
- c) Support the creation of Technology Transfer Offices (TTOs) and processes in higher education and research institutions.

### **2.4.2 Policy Goal 2: To develop human capital for the IP value chain**

**Policy Objective 2:** To develop and enhance human resource capacity for the generation, protection, commercialization and enforcement of IP.

**Policy Statement 2:** The Government of Uganda will develop and enhance human resource capacity for the generation, protection, commercialization and enforcement of IP, in order to foster stronger institutional capacities for effective management of the IP value chain and delivery of quality IP services to all stakeholders.

**Strategies:**

- a) Strengthen staffing for the National IP office and other IP stakeholder institutions as well as improve operational funding;
- b) Develop and implement an all-inclusive and fully integrated national IP skills capacity development strategy that addresses growing needs for multidisciplinary IP expertise for sustainable innovation and creativity; and
- c) Promote establishment of institutional policies that embrace IP human capital development.

**Key Actions:**

- a) Develop a comprehensive staff recruitment plan for the National IP office and other stakeholder institutions. This plan should among other things, ensure competitive remuneration, clear career development pathways and targeted skills capacity development, in order to enable them attract and retain high-caliber IP professionals;
- b) Facilitate the creation of capacity for a critical mass of IP Professionals and IP Service Providers, in order to enhance delivery of quality IP-related services to all stakeholders;
- c) Devise and implement a registration and certification system for IP professionals operating in Uganda, for quality service assurance purposes;
- d) Establish a state-of-the-art universal IP materials library; and
- e) Encourage stakeholder institutions to appoint and train IP compliance officers.

**2.4.3 Policy Goal 3: To enhance utilization of the IP system**

**Policy Objective 3(a):** To provide incentives for utilization of the IP system.

**Policy Statement 3(a):** The Government of Uganda will provide incentives for utilization of the IP system, through a conducive environment for generation, protection, commercialization and enforcement of stakeholder IP assets, in order to enhance their utilization for improved competitiveness of vital sectors of the national economy.

**Strategies:**

- a) Strengthen the National IP office and other institutional IP offices, to enable them effectively serve as a development and service oriented entities that are capable of comprehensively supporting the generation, protection, commercialization and enforcement of IP assets in Uganda;
- b) Promote a culture of innovation and creativity through incentives that enhance the generation of quality IP assets;
- c) Rationalize costs associated with securing various IP rights, with a view to minimizing them, in order to encourage originators register their innovations and creative works;
- d) Promote awareness of the value of IP asset protection and commercialization among higher education institutions, research institutions, creative industries, private sector firms, informal sector, individuals and the general public;

- e) Promote development and operationalization of institutional IP policies, particularly among higher education and research institutions;
- f) Strengthen linkages among IP asset generating institutions, creative industries and productive sectors of the economy, in order to ensure identification and maximal exploitation of innovations and creative works;
- g) Strengthen capacity to deliver IP-related information and advisory services to higher education institutions, research organizations, creative industries, private sector firms, informal sector and individuals, in order to assist them effectively generate, protect and commercialize their IP assets;
- h) Promote protection and commercial exploitation of Ugandan IP assets in foreign countries;
- i) Promote market-driven research in higher education and research institutions, in order to enhance prospects for IP-related outputs and innovations;
- j) Encourage and guide private sector firms towards improving their services, quality, range of products and brands through IP;
- k) Offer appropriate incentives for both local and foreign investments that contribute to the generation and commercialization of IP assets;
- l) Initiate and/or strengthen working relationships between the National IP office and foreign National IPOs; regional and international IP organizations and associations, in order to build institutional and stakeholder capacities;
- m) Create effective accountability measures and administration mechanisms for Collective Management Organizations (CMOs);
- n) Devise an effective taxation system that promotes investments in IP assets; and
- o) Devise mechanisms to safeguard the rights of technology IP right holders, in order to encourage the transfer and exploitation of technologies.

### **Key Actions:**

- a) Empower the National IP office to serve as a one-stop IP development and service oriented entity;
- b) Assess copyright and related industries and identify immediate priority areas that can yield high economic value (notably revenue and employment creation);
- c) Encourage implementation of and ensure compliance with non-disclosure agreements between innovative/creative entities and interested third parties;
- d) Permit higher education and research institutions to retain and utilize revenue generated through commercialization of their IP assets for further innovative and creative undertakings;
- e) Develop benefit sharing guidelines/policies for IP assets generated through public financing;
- f) Establish high-profile and prestigious national innovation and creativity award schemes that recognize and reward inventors, innovators and creative works;
- g) Encourage higher education institutions to establish internal IP policies that are in line with the National IP Policy;
- h) Facilitate National IP Office to enhance publication of IP-related guidance and notifications in relevant media, as well as exchange of data with regional and international IP organizations such as ARIPO and WIPO;
- i) Formulate a Strategic Plan for IP development. This plan should be designed to facilitate implementation of robust programs that effectively elevate IP as a tool for national

- development and guarantee high quality service delivery; and
- j) Promote dissemination of IP-protected innovations and creative works through local, regional and international exhibitions, conferences and trade fairs.

**Policy Objective 3(b):** To promote IP-driven indigenous technology development and commercialization.

**Policy Statement 3(b):** The Government of Uganda will, through an enabling environment and appropriate incentives, promote IP-driven indigenous technology development and commercialization, in order to ensure effective utilization of home-grown innovations.

**Strategies:**

- a) Create a conducive and enabling environment with essential strategic infrastructure, technology, skills, funding and incentives, in order to encourage local technology development, adaptation and transfer;
- b) Ensure higher education institutions, research institutions, creative industries and private sector firms develop dynamic capabilities for the acquisition, assimilation, transformation and exploitation of knowledge;
- c) Strengthen research and technological organizations (RTOs) infrastructure for more effective reverse engineering of public domain technologies and local technology development for commercial exploitation;
- d) Engage in IP-driven local technology development that supports commercial exploitation of diverse national endowments and unique culture for the production of attractive and standardized goods and content that can compete in regional and international markets;
- e) Enhance investments in research and development human resource skills capacity building and upgrading, in order to support continuous technology upgrading initiatives and activities;
- f) Establish technology business incubators (TBIs) in higher education and research institutions, in order to promote indigenous technology development and diffusion for commercial exploitation;
- g) Promote internal market-driven technology development and transfer collaborations between academia, research institutions and the private sector.

**Key Actions:**

- a) Strengthen the WIPO Technology Innovation Support Centres (TISC) Program at URSB to facilitate greater stakeholder access to and exploitation of public domain technological information;
- b) Devise mechanisms for tracking the impacts of improved research and development funding and access to technological information resources on local technology development, adaptation and transfer;
- c) Proactively promote commercialization of locally developed technologies through appropriate incentives;
- d) Establish an industrialization fund to support local technology development, adaptation and transfer for commercial exploitation;
- e) Support the development of a framework to protect Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs); and
- f) Create a digital database of Traditional Knowledge (TK) and Traditional Cultural Expressions

with a view to protecting cultural heritage from un-authorized exploitation.

**Policy Objective 3(c):** To adapt and exploit IP-driven technology transfer and commercialization.

**Policy Statement 3(c):** The Government of Uganda will, through an enabling environment and appropriate incentives, promote IP-driven technology transfer and commercialization, in order to enhance productive and creative sector competitiveness.

**Strategies:**

- a) Provide strong incentives for investments in appropriate technologies;
- b) Engage in IP-driven technology transfer that supports a strategic shift towards a knowledge-based economy;
- c) Establish institutional Technology Transfer Offices (TTOs) for effective and sustainable transfer, adaptation and exploitation of technologies;
- d) Promote establishment of science and technology parks; science, technology and innovation hubs; technology business incubators; and industrial parks in order to spur technology transfer, adaptation and exploitation;
- e) Encourage technology transfer oriented international collaborations in higher education and research institutions;
- f) Strengthen higher education institutions, research institutions and creative industries for more effective technology transfer, adaptation and exploitation;
- g) Provide appropriate incentives for private sector-led technology transfer; and
- h) Establish a dynamic national technology transfer database to facilitate monitoring and evaluation of progress.

**Key Actions:**

- a) Strengthen the WIPO Technology Innovation Support Centres (TISC) Program at URSB to facilitate greater stakeholder access to information on available technologies;
- b) Devise effective mechanisms for tracking the impact of technological information resources on technology transfer, adaptation and exploitation;
- c) Create a database for technologies licensed for exploitation in Uganda; and
- d) Ensure that the revised investment code has a provision that requires investors to transfer technologies and include monitoring and evaluation mechanisms to review technologies they transfer.

**Policy Objective 3(d):** To ensure effective IP rights enforcement.

**Policy Statement 3(d):** The Government of Uganda will ensure effective IP rights enforcement by strengthening linkages between and coordination among designated IP enforcement institutions, agencies and authorities.

**Strategies:**

- a) Review, streamline and strengthen working relationships, linkages and coordination among the various institutions that have active roles to play in IP enforcement;

- b) Build synergies between academia, government departments/agencies and the private sector, in order to ensure compliance with IP legislations and regulations;
- c) Apply transparent and effective procedures and penalties for IP rights violations;
- d) Strengthen the Justice Law and Order Sector (JLOS), for more active participation in enforcement of legislation and regulations, particularly prosecution of IP rights disputes and violations;
- e) Facilitate establishment of IP right holders' associations to advocate for continuous improvements in IP enforcement;
- f) Develop and implement effective IP enforcement training and related capacity building programs for the police, lawyers, public prosecutors, judges, customs officers and the general public;
- g) Establish infrastructure and mechanisms to enable IP enforcement officers recognize and differentiate IP infringing products and services;
- h) Establish capacity building cooperation mechanisms between local IP enforcement agencies and regional/international IP enforcement organizations; and
- i) Strengthen cross-border measures for enforcement of counterfeit and pirated products.

#### **Key Actions:**

- a) Sensitize and train IP rights holders on procedures and remedies against IP rights infringement;
- b) Publicize court pronouncements and verdicts on IP rights infringement cases, in order to deter the practice;
- c) Establish adequate and appropriate capacities for proper and expeditious handling of IP cases in existing commercial courts; and
- d) Build specialist IP attorney and related human resource capacities, in order to ensure enhanced IP enforcement professional services.

## **2.5 Policy Implementation**

The following sections present key considerations related to practical operationalization of this policy. These are: implementation timeline; recommended approach to policy implementation; strategy for policy popularization; resource mobilization; and policy monitoring, evaluation and review mechanisms.

### **2.5.1 Implementation Timeline**

Following stakeholder validation of this National IP Policy, implementation will commence and cover a period of ten (10) years, effective from the date of its official launch. In order to ensure the National IP Policy is responsive to the needs of the IP system in Uganda, there will be review after the first five (5) years of policy operationalization. This measure will be essential for taking stock of new and emerging IP-related requirements and developments (both local and international), as well as addressing the findings of policy monitoring, evaluation and impact assessment activities, audits and studies.

## 2.5.2 Cross-Sectoral Coordination of IP

In order to achieve the goals and strategic objectives of this National IP Policy, implementation will fully engage all the key IP actors and stakeholders enumerated herein. It is essential that each of the identified actors and stakeholders effectively plays their role(s) in a coordinated and concerted manner, substantially as envisaged in the policy.

The Government of Uganda shall, through this policy, position Uganda as an “IP-based nation”. Given the cross-cutting nature of IP, an appropriate inter-ministerial taskforce, chaired by the Right Honorable Prime Minister, shall be created to be responsible for overall policy implementation, coordination, and enforcement and review of IP regulations. The deliberations of the inter-ministerial taskforce shall involve the participation of relevant ministers. This approach will contribute to accelerated elevation of the status of IP as a vehicle for sustainable development.

A national task force will be constituted by the Office of the Prime Minister to oversee the implementation of this policy. The taskforce will comprise of:

<b>Government Ministry<sup>12</sup></b>	<b>Role in Policy Implementation</b>
Ministry of Justice and Constitutional Affairs	Overall responsibility for policy implementation
Ministry of Science, Technology and Innovation	To spearhead ST& I R&D, innovation, technology development and promotion in the IP value chain across all sectors.
Ministry of Trade, Industry and Cooperatives	To ensure proper integration of IP into trade and industry sectors
Ministry of Agriculture, Animal Industry and Fisheries	To ensure proper integration of IP into agriculture sector
Ministry of Health	To ensure proper integration of IP into health sector
Ministry of Gender, Labour and Social Development	To ensure proper integration of IP into gender, labour and social development sectors and ensure IP plays a role in the protection and promotion of national culture and heritage
Ministry of ICT and National Guidance	To ensure proper integration of IP into ICT sector
Ministry of Energy and Mineral Development	To ensure IP plays a key role in sector research and development, particularly alternative, sustainable and renewable energy technology development
Ministry of Foreign Affairs	To undertake initiatives that promote protection of Ugandan entity IP Rights overseas, including addressing issues of infringements in overseas markets
Ministry of Internal Affairs	To ensure effective policy enforcement in collaboration with Ministry of Justice and Constitutional Affairs
Minister of Education and Sports	To ensure proper integration of IP into education sector
Ministry of Water and Environment	To ensure IP contributes to achieving the balance desired between socioeconomic development and environmental protection
Ministry of Finance, Planning and Economic Development	To ensure adequate planning for and allocation of financial resources for policy implementation, as well as monitor and evaluate policy implementation effectiveness

<sup>12</sup> Government ministries may nominate appropriate affiliated departments and agencies to participate in steering committee meetings.

The apex institution for managing operational and technical implementation, coordination, monitoring, evaluation and review of this policy shall be the National IP office, under the auspices of the Ministry of Justice and Constitutional Affairs (MoJCA). To this end, the National IP office will:

- a) Manage overall implementation of the National IP Policy;
- b) Constitute a multi-sectoral Steering Committee to facilitate effective linkages among relevant public and private sector institutions and organizations, as well as civil society on IP-related matters, for proper coordination of policy implementation;
- c) With the support of inter-ministerial taskforce, ensure coherence between this policy and other national and sectoral development policies, strategies and plans;
- d) Coordinate the establishment of regional IPOs for more effective IP outreach services, and provide information and guidance on the rules, procedures and modalities governing the working relationship between the National IP office and regional IPOs;
- e) Coordinate the development of national proposals for presentation at IP-related bilateral and multilateral meetings, conferences and negotiations;
- f) Monitor and evaluate National IP Policy impact;
- g) Manage periodic National IP Policy performance review, ideally every five (5) years; and
- h) Coordinate timely preparation of subsequent National IP Policies and Strategies, on behalf of the inter-ministerial taskforce and Government of Uganda.

The Ministry of Science, Technology and Innovation (MoSTI) as a key stakeholder will:

- a) Develop ST&I policies, strategies, plans and programs that embrace IP utilization within the sector
- b) Provide technical guidance to innovators, technologists and researchers on the IP value chain
- c) Establish a database of innovators and their innovations/technologies to support their IP development processes
- d) Establish ST&I infrastructure such as science and technology parks, technology transfer centers, incubation hubs, outreach infrastructure centers in support of IP value chain.
- e) Operationalizing the National Research and Innovation Program Framework to support R&D, incubation and commercialization
- f) Promote technology development, transfer, commercialization and enterprise development in support of IP development
- g) Promote strategic utilization of IP in higher education institutions, RTOs, MSMEs (formal and informal sector)
- h) Explore and promote IP generation for emerging technologies
- i) Promoting human capital development within the ST&I ecosystem to support IP development
- j) Undertake Nationwide outreach and advancement on the importance and utilization of IP in the ST&I ecosystem

### **2.5.3 Popularization of IP**

The successful implementation of this National IP Policy will require a critical mass of IP awareness, appreciation and active participation among the various actors and stakeholders. It is therefore, important that following the launch of the National IP Policy, the National IP office is facilitated for cooperation with print and electronic media entities for nationwide publicity and sensitization campaigns that target key stakeholders including; inventors, innovators, creative industries, academia,



researchers, IP rights holders, IP end users, government officials, business community, and the general public. These campaigns should aim to demonstrate the various attributes and value of IP to all stakeholders to a degree that convinces them to consciously invest in it, resulting in higher rates of IP asset generation, protection, commercialization and enforcement.

If properly imbedded into the National IP office nationwide IP outreach program that currently focuses on awareness promotion and training, this approach to IP popularization will lead to the building of stronger alliances between National IP office and key IP stakeholders. This will enable the National IP office perform the role of advocacy for public promotion and recognition of IP as a critical pillar for socioeconomic transformation.

#### **2.5.4 Resource Mobilization**

The effective implementation of this National IP Policy will require substantial financial resources and quality technical support services in the medium-to-long-term. The required financial resources and support services will be derived from the policy objectives, goals and strategies. The envisaged sources of funding and support services for National IP office projects and activities include, but are not limited to:

- a) The Government of Uganda;
- b) Regional and International IP Organizations (e.g. ARIPO and WIPO);
- c) Development partners;
- d) Donor agencies; and
- e) IP System beneficiaries.

#### **2.5.5 Monitoring and Evaluation of Policy Effectiveness**

The efficacy of this National IP Policy will be determined through an evidence-based approach that continually monitors, evaluates and reviews the performance of various IP-related initiatives, projects and activities undertaken by stakeholders. The goal of monitoring, evaluation and review functions will be to determine the extent to which National IP Policy objectives and strategies address identified and emerging IP issues.

The National IP office will be the apex agency responsible for managing IP monitoring, evaluation and review functions from which the impact of this National IP Policy will be quantitatively and qualitatively measured. Potential mechanisms for measuring efficacy and impact include; critical review of National IP Policy implementation reports; review of national and sectoral performance and audit reports; local and international policy studies; stakeholder feedback and recommendations emerging from outreach activities, needs assessment surveys and IP audits; and private sector views.

It is critical that the impact of the National IP Policy implementation in the medium-term (next 5 years) is assessed by independent consultants. This will ensure objective evaluation of progress made against set targets and resources committed, as well as identification of new areas and gaps in the National IP System that require attention. In the interim, other expert and consultancy services can be sought by National IP office, as and when required, for purposes of maintaining IP policy direction and unlocking unforeseen policy implementation bottlenecks. It is essential that implementation of the

National IP Policy is dynamic and responsive to new and emerging requirements. As such, the outputs of IP monitoring, evaluation and review processes, independent assessments and policy studies should collectively guide the evolutionary process of refining and revising the National IP Policy. Annex 3 presents a summarized National IP Policy Monitoring and Evaluation Matrix. This matrix articulates the anticipated results and key indicators of implementing the actions of this policy

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## Annex 1: Summarized National IP Policy Monitoring and Evaluation Matrix

Policy Issue	Policy Goal	Policy Objective	Anticipated Results	Indicators
Lack of appropriate infrastructure to support innovation and creativity	1) To establish appropriate infrastructure that supports innovation and creativity	1) To enhance infrastructure capacity for the generation, protection, commercialization and enforcement of IP	<ul style="list-style-type: none"> <li>• Innovation centres established</li> <li>• One-Stop-Centres for IP registration established</li> <li>• IP information management systems established</li> <li>• Incubation centres established</li> <li>• R&amp;D centres established</li> <li>• IP enforcement systems strengthened</li> </ul>	<ul style="list-style-type: none"> <li>• Number of innovation centres established</li> <li>• Number of One-Stop-Centres for IP registration established</li> <li>• Number of accessible IP information management systems established</li> <li>• Number of new products and services from incubation centres entering the market</li> <li>• Number of new technologies generated</li> <li>• Number of IP enforcement systems strengthened</li> </ul>
Inadequate human capital development for the IP value chain	2) To develop human capital for the IP value chain	2) To develop and enhance human resource capacity for the generation, protection, commercialization and enforcement of IP	<ul style="list-style-type: none"> <li>• Comprehensive human resource IP development strategy formulated</li> <li>• IP knowledgeable and skilled citizenry</li> </ul>	<ul style="list-style-type: none"> <li>• Comprehensive human resource IP development strategy in place</li> <li>• Number of IP trainings and awareness creation initiatives</li> <li>• IP mainstreamed into all levels of education</li> </ul>
Inadequate utilization of the IP system	3) To enhance utilization of the IP system	3a) To provide incentives for utilization of the IP system	<ul style="list-style-type: none"> <li>• National Innovation Fund Capitalized and popularized</li> <li>• Increase in IP licenses and assignments</li> <li>• Cost of IP registrations and grants reduced</li> </ul>	<ul style="list-style-type: none"> <li>• Number of National Innovation Fund beneficiaries</li> <li>• Number of IP assets protected by public funded institutions</li> <li>• Number of IP licenses and assignments granted</li> <li>• Reduction in cost of IP registrations and grants</li> </ul>
		3b) To promote IP-driven indigenous technology development and commercialization.	<ul style="list-style-type: none"> <li>• Indigenous technologies developed and commercialized</li> </ul>	<ul style="list-style-type: none"> <li>• Number of IP protected indigenous technologies, goods and services</li> </ul>
		3c) To adapt and exploit IP-driven technology transfer and commercialization.	<ul style="list-style-type: none"> <li>• Increase in technology transfer and commercialized</li> <li>• Enhanced productivity and competitiveness</li> </ul>	<ul style="list-style-type: none"> <li>• Number of IP protected technologies transferred and commercialized</li> <li>• Number of IP protected technology transfer partnerships and collaborations</li> <li>• Number of imported products substituted</li> <li>• Number of value-added products exported</li> </ul>
		3d) To ensure effective IP rights enforcement	<ul style="list-style-type: none"> <li>• Build respect for IP</li> <li>• Infringement of IP rights minimized</li> <li>• Strengthened IP enforcement mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>• Number of IP right infringement prosecutions</li> <li>• Number of offenders penalized</li> <li>• Number of counterfeited and pirated products seized</li> </ul>