



THE REPUBLIC OF ZIMBABWE

THE ZIMBABWE NATIONAL INTELLECTUAL PROPERTY POLICY AND IMPLEMENTATION STRATEGY



Produced by
THE MINISTRY OF JUSTICE, LEGAL
AND PARLIAMENTARY AFFAIRS



THE REPUBLIC OF ZIMBABWE

**Zimbabwe National Intellectual Property
Policy and Implementation Strategy
[2018 - 2022]**

**Produced by the Ministry of Justice,
Legal and Parliamentary Affairs**

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GLOSSARY OF ABBREVIATIONS AND ACRONYMS

ABS Access and Benefit Sharing
ARIPO Africa Regional Intellectual Property Organization
CBD	.... Convention on Biodiversity
CMO	.... Common Management Organisation
CSO	.... Copyright Society; sometimes also referred to as CMO
FiR	.... Financial Resources
FSR	.... Funding Scientific Research
GI	.... Geographic Indication (of origin)
GOZ	.... Government of Zimbabwe
ICTs	.... Information and Communication Technologies
IP	.... Intellectual Property
IPA	.... Intellectual Property Audit
IPR	.... Intellectual Property Rights
IT	.... Immediate Term
IPS	.... Intellectual Property System
LDCs	.... Least Developed Countries
LT	.... Long Term
M & E	.... Monitoring and Evaluation
MT	.... Medium Term
NFiR	.... Non-Financial Resources
NIPGF	.... National Intellectual Property Governance Framework
PDP	.... Product Development Partnership
PPP	.... Private Public Partnership
REC	.... Regional economic Community
R&D	.... Research and Development
SADC	.... Southern African Development Community
SME	.... Small and medium Scale Enterprises
ST	.... Short Term
STI	.... Science, Technology and Innovation
TISCs	.... Technology and Innovation Support Centres
TK	.... Traditional Knowledge
ToR	.... Terms of Reference
ToT	.... Transfer of Technology
TRIPS	.... Trade Related Intellectual Property Rights
UNDP	.... United Nations Development Programme
UNIDO	.... United Nations Industrial Development Organization
USA	.... United States of America
WCT	.... WIPO Copyright Treaty
WPPT	.... WIPO Performance and Phonogram Treaty
WTO	.... World Trade Organization
ZIMASSET	.... Zimbabwe Agenda for Sustainable Socio-Economic Transformation

FOREWORD

Strong intellectual property (IP) protection is an essential requirement for innovation, which in turn is fundamental for economic growth. IP protection has not only enhanced economic growth, but also technology transfer, foreign direct investment, and localized innovation in countries across all levels of economic development. In today's world, IP is assuming great importance and has become one of the most eminent key drivers of economic growth globally, as most countries are moving from the traditional resource based economies towards knowledge based economies. With the advent of an increasingly knowledge-based society, IP protection ensures that right holders have sufficient incentive to bring their works to the market, which benefits them as well as other stakeholders in the society.

Broadly, while Zimbabwe has made significant progress in ensuring that it has a legislative framework that protects IP, the country lacked a comprehensive IP Policy that will promote a holistic, balanced and coordinated approach to IP. The lack of an IP Policy in Zimbabwe has hindered IP protection and innovation; hence a comprehensive IP Policy will promote and contribute to Zimbabwe's socio- economic development betterment, by promoting local manufacturing, preserving and leveraging the country's resources and heritage, encouraging innovation, and empowering domestic industries and individuals who seek to take advantage of the IP system.

The Zimbabwe National Intellectual Property Policy and Implementation Strategy (ZNIPPIS) [2018-2022] is the first ever in Zimbabwe. The overall objective of the policy is to ensure that the entire intellectual property governance framework leverages the country's IP potential for inclusive and sustainable economic growth and development. The activities to be undertaken shall focus on prioritized sectors such as agriculture; industry, health; education, training and professional skills development; environment; art, culture and heritage; tourism; trade; and small and medium scale enterprises. The thrust of this policy shall be to increase the international competitiveness of Zimbabwean industry and products. This shall be through the application of science, technology and innovation to solve the challenges faced by industry and businesses with the use of intellectual property as a key enabler of innovation and creativity as well as incentive for the investing in research and development (R&D).

Over the years quality medicines have been entering the market which have helped save lives and improve the lives of the people (especially HIV medicines). Better plant varieties have been developed over the years leading to high yielding crops which have helped in reducing poverty across the world. The quality of food products in the markets have also improved thus protecting the consuming public from the poor products. All this has been a result of the strategic use of intellectual property much to the benefit of the economies.

Zimbabwe needs to transition towards a knowledge economy and protect IP. All advancing economies in the world today have made good use of the intellectual property systems to catch up with the developed economies and to maintain the creative culture in their societies. Zimbabwe therefore needs to harness IP for its own good and in order to bring value to its people.

The Government of Zimbabwe calls for a greater emphasis on innovation, improved productivity, an intensive pursuit of a knowledge economy and the better exploitation of comparative and competitive advantages. Intellectual Property is an important policy instrument in promoting innovation, technology transfer, research and development, creative expression, consumer protection, industrial development and more broadly, economic growth.

An effective intellectual property system which properly embeds IP issues within a national development agenda will help a country to promote the generation of IP, to protect its IP assets, and to leverage IP assets for economic growth and development.

My Ministry therefore urges the populace of Zimbabwe to utilise this Intellectual Property Policy and Implementation Strategy. I urge all Ministries and other state institutions, private sector and civil society organizations to rally around this national vision of protecting our intellectual property so that the country can attain sustainable development.



Hon. Ziyambi Ziyambi (MP)

MINISTER OF JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS

PREFACE

The development of the Zimbabwe National Intellectual Property Policy and Implementation Strategy [ZNIPPIS] (2018-2022) was initiated by the Ministry of Justice, Legal and Parliamentary Affairs. The Ministry realized that Zimbabwe was in dire need of a National Intellectual Property Policy and Strategy since it did not have one to provide direction on how best intellectual property could be channeled and utilized to foster economic growth and sustainable development. The Ministry realized that the crafting of a National Intellectual Property policy to guide the country is one of the panaceas on which intellectual property can be exploited in order to turn around the economic fortunes of the country. This will in turn promote growth and development, and ultimately, livelihoods of the people of Zimbabwe will be improved.

The ZNIPPIS is a result of extensive consultations and in-depth analysis of the situation by a number of stakeholders. Stakeholders were drawn from the private and public sector, civil society organizations, UN Agencies and development partners who participated in the policy making process. An Inter-Ministerial Committee on Intellectual Property made up of members from key Ministries provided oversight guidance to the process. A consultant, sponsored by the World Intellectual Property Organization (WIPO), was engaged to assist in developing the policy. My Ministry is therefore confident that the provisions of the policy are well grounded on good evidence and guidance.

The ZNIPPIS gives direction on the promotion of IP generated activities by focusing on managing innovation as well as research and development more effectively among the research institutions, universities, small and medium enterprises (SMEs) and individuals. The Vision of the Policy is *to transform Zimbabwe from a resource based economy to a knowledge based economy that can leverage the intellectual property regime for development*. The overall objective of the policy is to ensure that the entire intellectual property governance framework (i.e., diverse laws and regulations, strategies, action plans, treaties, protocols, practices, etc., with a bearing on intellectual property) leverages the country's IP potential for inclusive and sustainable economic growth and development.

I urge all sectors to utilize this policy. The challenge ahead is to make sure that the policy is implemented, and its Mission followed through. I urge each one of us as we plan and develop our programs at any level, to embrace intellectual property and implement the provisions of this policy.

I wish to thank those who have contributed to this process, particularly WIPO for providing financial and technical support. I pledge full dedication of my Ministry and its staff towards the implementation of this policy.



V. Mabiza (Mrs.)

SECRETARY FOR JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS

ACKNOWLEDGEMENTS

The Ministry of Justice, Legal and Parliamentary Affairs wishes to thank all people, institutions and organisations that contributed in various ways towards the development of this Policy. The task would not have been easy without the commitment of the public and private sector, civil society organisations and inter-governmental organisations. Special mention goes to the World Intellectual Property Organisation (WIPO) and the African Regional Intellectual Property Organisation (ARIPO) for providing financial and technical support and resources for engaging the Consultant, conducting consultations, preparing the synthesis of the findings, drafting and validation of the Policy. Lastly, the Ministry would like to thank the members of the Inter-Ministerial Committee on Intellectual Property, who diligently coordinated the process and reviewed the drafts at various stages.

The Policy was developed with the support of a WIPO International Consultant, Professor Francis A.S.T Matambalya, to whom we also express gratitude.

A handwritten signature in black ink, appearing to read 'V. Mabiza', is positioned above the typed name.

V. Mabiza (Mrs.)

SECRETARY FOR JUSTICE, LEGAL AND PARLIAMENTARY AFFAIRS

EXECUTIVE SUMMARY

The Zimbabwe National Intellectual Property Policy and Implementation Strategy (ZNIPPIS) [2018-2022] is the first ever in Zimbabwe. For the past few years, Zimbabwe has been developing and drafting its Intellectual Property Policy and Strategy with the assistance of World Intellectual Property Organization (WIPO). This process involved stakeholder interface meetings and workshops. A consultant was engaged to draft and produce the policy document.

Part 1 of the Policy covers the introduction of the policy. It outlines the concepts of intellectual property and intellectual property rights, intellectual property and development, the position of intellectual property policy and strategy in the intellectual property system, the potential and essence of intellectual property for Zimbabwe, intellectual property and sustainable socio-economic transformation, the role of intellectual property in realising Zimbabwe's economic aspirations, the global intellectual property governance system and supporting role of WIPO.

Part 2 of the ZNIPPIS provides for the Vision Statement of the Policy, the Mission Statement and objectives of the Policy. The Vision of the ZNIPPIS is to transform Zimbabwe from a resource based economy to a knowledge based economy that can leverage the intellectual property regime for development. The Mission of the ZNIPPIS is to create an enabling environment that respects and utilizes intellectual property as one of the key enablers to promote and enhance economic growth and development of all sectors of the Zimbabwean economy. The overall objective of the Policy is to ensure that the entire intellectual property governance framework (i.e., diverse laws and regulations, strategies, action plans, treaties, protocols, practices, etc., with a bearing on intellectual property) leverages the country's IP potential for inclusive and sustainable economic growth and development.

Part 2 also provides for sectoral focus of the policy. The activities undertaken under ZNIPPIS (2018-2022) shall focus on the following prioritized sectors: agriculture; industry, health; education, training and professional skills development; environment; art, culture and heritage; tourism; trade; and small and medium scale enterprises.

Part 3 provides for the Implementation Strategy of the Zimbabwe National Intellectual Property Policy. The vision of the Implementation Strategy of Zimbabwe National Intellectual Property Policy is to facilitate the identification, promotion, acquisition, and commercialization of Intellectual Property for sustainable economic growth and development in Zimbabwe. The Implementation Strategy outlines several mission statements which include the systematic transformation of Zimbabwe into a country with high levels of IP awareness, IP consciousness, and IP literacy, the inculcation and development of a culture of creativity, innovativeness and inventiveness in Zimbabwe, and the inculcation of business competitiveness through strategic use of IP tools, and the development of sustainable fiscal and non-fiscal capacities to enable Zimbabwe to use IP as a vehicle for building a competitive economy through the creation, innovation/inventions, utilization, acquisition, and protection of IP.

Six key considerations guide the generation of strategies for the implementation of the ZNIPPIS interventions specified in Part 2. These include the enhancement of domestic capacities to generate IP, promoting acquisition of IP, promoting commercial exploitation of IP, putting in place reliable IP laws and regulations, and enforcement mechanisms, promoting regional and global cooperation and supporting industrial transformation of the economy.

The ZNIPPIS contains an action plan guiding the implementation strategy which highlights necessary measures that should be taken to raise and consolidate IP awareness; consolidate IP literacy and professional skills and enhance IP domestic governance framework. It also provides for the need to enhance domestic fiscal capacities to finance IP generation and commercialization, developing an integrated IP economy in Zimbabwe and the promotion and prioritization of entrepreneurship in selected areas such as creative industry, technology entrepreneurship capacities and industrial entrepreneurship capacities. The ZNIPPIS encourages the development of an integrated domestic IP market that enhances domestic institutional capacities for IP administration.

In conclusion the ZNIPPIS underlines that IP is a major strategic asset for promoting innovation and technological development which in turn will enhance economic and sustainable development if properly managed.

PART I

ZIMBABWE NATIONAL INTELLECTUAL PROPERTY POLICY AND IMPLEMENTATION STRATEGY: INTRODUCTION

1.1. Concepts of intellectual property and intellectual property rights

Intellectual property (IP) refers to distinct types of creations of the human mind with a direct bearing on human intellect, for which exclusive proprietary legal rights are recognized and conferred to natural or legal person(s) for a certain period of time. IP are generated through:

- (a) *Research and development (R&D)*. IP of this category are expressed in the form of technological inventions or innovations (patents), and through the tools (e.g., trademarks, service marks; including service marks) for marketing goods and services produced using such inventions and innovations. They are collectively referred to as *industrial property*.
- (b) *Creative activity*. Diverse creative activities express this category of IP: literary work, artistic works, music, etc. Examples are activities of performing artists (performances), producers of phonograms (recordings), broadcasters (radio and television programmes). They are collectively referred to as *copyrights and neighbouring (or related) rights*.

Intrinsically, from its nature information or knowledge, IP can be incorporated in tangible objects at the same time, in an unlimited number of copies, and at different physical locations.

IP law offers legal protection of the interests of creators, by giving them exclusive proprietary rights to a variety of intangible assets that are the creations of their minds – hence Intellectual Property Rights (IPR). The IPRs result from intangible creativity and inventiveness that are embodied in *tangible objects* or *intangible objects*.

*Copyrights and neighbouring rights*¹, and *industrial property rights*² constitute the two main branches of IP. Some important issues for the discussion of IP for a developing country like Zimbabwe are: *Trade Secrets* (to protect commercially valuable information that the owner attempts to keep secret; i.e., confidential information not generally known by the public that is valuable to a business; Owner is entitled to court relief against those who have stolen or divulged it in an illegal manner.). Moreover, since IP is an evolving phenomenon, there are other forms of IP, which enjoy more or less universal recognition, such as: *Traditional Knowledge or TK, Indigenous Knowledge* (see WIPO 2008).

1 Copyright protects the expression of an idea, and broadly refers to exclusive right of the holder to copy a creative work or allow someone else to do so, including the sole right to publish, produce or reproduce, to perform in public, to communicate a work to the public by telecommunication, to translate a work, and in some cases, to rent the work. As a group of IP, copyright embraces such *artistic creations* as, poems, novels, music, paintings, cinematographic works, etc. (see WIPO 2008).

2 Industrial property relates to property in the industrial, commercial, agricultural and extractive industries and to all manufactured and natural products.

Industrial property is expressed in different forms and include, *inter alia*: *patents* (to protect inventions, i.e., new solutions to technical problems), *mini-patents or utility models* (also to protect inventions, in the case of technically less complex inventions or inventions that have a short commercial life), *industrial designs* (to protect aesthetic creations determining the appearance of industrial products; which means to protect the original, ornamental and non-functional features of a product that result from design activity), *trademarks* (to protect sign(s) that distinguishes the a good or a service of one enterprise from those of another), *collective marks* (i.e., trademarks owned by an association and used identify a level of quality and other requirements set by the association), *certification marks* (i.e., trademarks awarded for compliance with defined standards, and not confined to any membership), *service marks* (trademarks used by such service providers as hotels, restaurants, airlines, tourist agencies, car-rental agencies, laundries and cleaners), *layout-designs of integrated circuits, commercial or trade names and designations* (protection of a name for designation that identifies an enterprise; is essentially an enterprise's business name), *geographical indications of origin* (to protect a sign used on goods that have a specific geographical origin, and possess qualities or a reputation that are due to that place of origin), *appellation of origin* (to protect a special kind of geographical indication, used on products that have a specific quality that is exclusively or essentially due to the geographical environment in which the products are produced), *protection against unfair competition* (to protect industrial property against acts of competition that are contrary to honest practices in industry or commerce; e.g., acts that intend to distort competition by creating confusion, discredit, or mislead about the competitor and/or the competitor's products) (see WIPO 2008).

Notably, industrial property is broadly interpreted to apply to industry, commerce, agricultural and extractive industries, manufactured products, natural products (wines, grain, tobacco leaf, fruit, cattle, minerals, mineral waters, beer, flowers, and flour, etc.) (see WIPO 2008).

1.2. Intellectual property as a tool for development

To the extent that knowledge plays a role in the economy, the efficient and creative use of IP is a key determinant of international competitiveness along the entire value chain of economic activities, i.e., from investments, to production, to trade.

From this backdrop, the connection between the IP agenda and the overall development process has existed for many years, albeit with variations across countries: in some cases for decades, while in other instances even for centuries. Thus, even developing countries have long embraced some form of IP protection within their legal systems, either as part of the inheritance from their colonial masters or something that was dictated by the prevailing trend of the time.

An effective Intellectual Property System (IPS), which properly embeds IP issues within a national development agenda, will help a country to promote the generation of IP, to protect its IP assets, and to leverage IP assets for economic growth and development. To this end, evidence abounds regarding the economic value of IP. Notably, innovations and inventions generate new technologies that in turn:

- (a) Promote investments (by both domestic and foreign investors).
- (b) Increase economic productivity and production across all sectors of the economy: (primary, secondary through manufacturing, tertiary through the service sector, quaternary and quinary through the emergence of the knowledge economy).
- (c) Facilitate transfer of technology (ToT).
- (d) Through domestic commerce and international trade channels, improve the availability of products that are important for human health and life, such as medicines necessary, etc.

Expressed otherwise, IPR are explicitly, necessary for the stimulation of economic growth which, in turn, contributes to wealth generation and poverty reduction. Invariably, IP provides a vehicle by which societies pursue and achieve socio-economic development. In this regard, the protection of IPRs has a great bearing on a country's cultural, economic and social development.

Moreover, despite clear demonstration in developed countries of the evidences of the value of IP to the economy, in many Least Developed Countries (LDC) and non-LDC developing countries, concerted efforts to evaluate and leverage IP for economic development have been lacking.

However, this scenario has now changed. In a process of de facto universal, economic utility of IP is globally acknowledged. Consequently, increasingly, the economic development dimensions are taking centre stage in reflections on IP. Now, all countries recognise the essentiality of building their intellectual property systems (IPS), in order to harness IP for development.

1.3. Position of intellectual property policy and strategy in the intellectual property system

Empirical lessons show that the process of leveraging IP for development has been spearheaded by some form of National Intellectual Property Governance Framework (NIPGF). The role of such a framework has been to delineate on how the protection of rights emerging from the creation of IP - the IPRs - could play a developmental role and contribute to sustainable development. Two of the essential components of such a framework are National Intellectual Property Policy (NIPP) and National IP Strategy (NIPS).

The need for such NIPP and NIPS – and indeed the need for a comprehensive NIPGF as a whole - is underlined by the requirement to develop competitive economies which deliver benefits to all stakeholders: business entities, Government, and society as a whole. This is in line with global trends of the shift from resource-based to knowledge-based economies (in which knowledge-based industries/businesses dominate). Hence, countries are obliged to put mechanisms in place for the economic utilization of diverse IP assets to ascertain and sustain competitiveness.

1.4. Potentiality and essence of an intellectual property for Zimbabwe

Like other developing countries, Zimbabwe has impressive IP potential, which can be harnessed to develop a vibrant IP economy. However, as in the case of most developing countries, in the past, the utilization of that potential has largely remained suboptimal. This is attributed to a lack of a comprehensive IPS to guide the efforts. Both NIPP and NIPS are evident shortfalls, which underline the gaps in the country's IPS.

1.4.1. Intellectual property and sustainable socio-economic transformation

The Government of Zimbabwe (henceforth: GOZ) in 2013 launched the economic blueprint called the *Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZIMASSET) October 2013- December 2018*. Its main thrust is to use a multi-pronged approach (i.e., involving **indigenization, empowerment, and employment creation**) to judiciously exploit the country's human and natural resources and foster sustainable development and social equity.

Value addition and beneficiation is one of the critical pillars identified by the ZIMASSET as a growth area. Generally, value addition (or value creation) is important in any economic activity, because it implies that a course of action is taken for which the benefits exceed the costs, or a course of action is suppressed for which the costs exceed the benefits. Human intellect and the creativity resulting from it are needed, in order to achieve this feat.

ZIMASSET's focus on value addition stresses the relevance of many interrelated terms that are associated with IP (inventions, innovation and creativity, knowledge), and their role in apprehending a country's economic growth and development aspirations. This is because, inventions, innovation and creativity embody the generation and use of ideas and knowledge; which in practice translate into technological transformation that facilitate the creation of new and better jobs, and enhancement of the living standards of people. In this regard, by propping-up value addition, IP underpins the systematic improvement of the quality of all aspects of the material life.

However, inventions, innovations, and creativity do not occur in a vacuum; but are facilitated by appropriate incentives and institutions. Government policies that are conducive for inventions, innovation, and creativity; and that allow entrepreneurship and markets to flourish, trigger economic growth and development. Notably, an efficient IPS, propped by the appropriate governance framework is a key precondition in this regard.

In today's world, IP is assuming great importance and has become one of the most eminent key drivers of economic growth globally as most countries are moving from the traditional resource based economies towards knowledge based economies. With the advent of an increasingly knowledge-based society, IP protection ensures that IP right holders (e.g., innovators and creators) have sufficient incentive to bring their works to market, which benefits them as well as other stakeholders in the society. Over the past decade there has been an exponential increase in IP filings worldwide (especially in the field of trademarks and patents). This has been particularly noticeable from emerging economies like India, Brazil, China and Russia as they are competing with the large economies of the world. Global royalties and licensing revenues have also risen significantly much to the benefit of many countries that have taken intellectual property matters seriously.

Over the years quality medicines have been entering the market which have helped save lives and improve the lives of the people (especially HIV medicines). Better plant varieties have been developed over the years leading to high yielding crops which have helped in reducing poverty across the world. The quality of food products in the markets have also improved thus protecting the consuming public from the poor products. All this has been a result of the strategic use of intellectual property much to the benefit of the economies.

Zimbabwe is endowed with vast natural resources. Over the years the country has been exporting most of its products as unprocessed raw materials. This has affected the growth of the economy as the country has been realizing very little returns from these unprocessed and semi-processed products. It goes without saying therefore that the country needs to add value to its products destined for export markets in order to maximize the returns from these products. Thus the manufacturing capacity needs to be strengthened in this regard.

1.4.2. Posited role of intellectual property in realizing Zimbabwe's economic aspirations

Against the backdrop narrated in subsection 1.4.1, the GOZ has identified IP as a key asset that should be systematically leveraged, in order to spur the country's economic growth and development to new heights. Imperatively, there is need for a clear policy guideline that will give direction on how the country can leverage intellectual property for socio-economic growth.

The rationale of IP policy is underlined by other factors as well. Among other things:

- (a) Zimbabwe has, since time immemorial, been involved in some intellectual activity in many facets of human development. However, it has not been able to evolve a comprehensive and effective IPS. Consequently, it has not economically fully benefitted from the exploitation of IP assets despite the existence of some elements of a NIPGF, with some comprehensive IP legislation. Part of this challenge has been a result of the absence of IP policy to guide and give direction on how Zimbabwe can economically exploit and mainstream intellectual property into the development plans of the country.
- (b) Like most African economies, Zimbabwe is trading most of its resources in their primary form owing to the lack of manufacturing capacity to process these raw materials. This is certainly the case with the mineral resources like diamonds and platinum. As such the country has found itself in a situation where it exports most of the products in raw form and realises very little profit and then import finished products from the processed raw materials at a higher cost much to the detriment of the economy.
- (c) There is therefore a need to find ways of strengthening the manufacturing capacity of the country's manufacturing industry in order to enable the country to add value to its raw materials for them to attract a higher value from the markets from within and without the borders. The intellectual property system can therefore be employed in order to achieve this goal through various mechanisms like licensing arrangements as well as technology transfer.
- (d) The thrust of this policy shall be to increase the international competitiveness of Zimbabwean industry and products. This shall be through the application of science, technology and innovation to solve the challenges faced by industry and businesses with the use of intellectual property as a key enabler of innovation and creativity as well as incentive for the investing in research and development (R&D).
- (e) In order to achieve sustainable economic growth, Zimbabwe shall carry out drastic reforms to foster or promote innovation. It is not at all impossible for Zimbabwe to generate creative and innovative resources capable of producing the new "knowledge-based economy."

- (f) In order to generate the creation of innovations and original content in the new knowledge-based economy" and to utilize such resources for economic growth, it is primarily necessary to stimulate and revitalize intellectual creations at universities and other institutions. However, this in itself is not sufficient. Economic revitalization will not be achieved unless the results of such creation are properly protected and effectively utilized as intellectual property.
- (g) The goal of the policy is to make Zimbabwe "a knowledge based economy," for the purpose of achieving a dynamic economy and vigorous society through the strategic creation, promotion and exploitation of intellectual property. Making Zimbabwe an intellectual property-based nation means establishing a national direction which places emphasis on inventions and creation, and in which the production of intangible assets is recognized as the foundation of industry, i.e., the production of "information of value" including technology, design, brands and the content of music, movies, and the like. This policy should be underpinned with the vision of revitalizing Zimbabwe's economy.
- (h) Zimbabwe must overcome oppressive economic conditions and design a Strategic Program that is not constrained by either an existing framework or a traditional mind-set and which promotes intellectual property strategy.
- (i) Zimbabwe's IP system should not only be internationally viable but also be founded on an original and firm strategy. To this end, it is necessary for various sectors including universities, companies and the government to review conventional systems and practices thoroughly and work effectively together to establish the world's best- IP system.

1.5. Zimbabwe and the global intellectual property governance system

At the international level, Zimbabwe, being a Member State of WIPO, is a signatory to a number of intellectual property treaties administered by this world body. Some of the treaties which Zimbabwe has acceded to under the auspices of the WIPO include the Paris Convention for the Protection of Industrial Property and the Berne Convention for the protection of Literary and Artistic Works. Further, the country has also ratified the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization (WTO). The TRIPS Agreement engendered a paradigm shift in the way countries deal with intellectual property matters as it is the first international instrument to comprehensively integrate intellectual property as a trade issue. At the regional level, Zimbabwe is a member of the Africa Regional Intellectual Property Organization (ARIPO) whose headquarters are situated in Harare. Within this regional body, Zimbabwe has ratified a number of treaties which among others include the Harare Protocol, the Banjul protocol and the recently concluded Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore.

The administration of IP in falls under the jurisdiction of the Ministry of Justice, Legal and Parliamentary Affairs, except for the Plant Breeders' Rights legislation which falls under the purview of the Ministry of Agriculture. The GOZ has in 2009 created an *Inter-Ministerial Committee on Intellectual Property* to advise the government on policy matters on IP matters. The creation of this Committee was borne out of the realization there were multiple government departments that are involved in intellectual property matters in an uncoordinated and fragmented manner.

1.6. Supporting role of the World Intellectual Property Organization

In the current global context, developing a NIPGF requires concerted efforts of involving various stakeholders. In view of this and against the background highlighted in the previous subsections, the GOZ undertook to overhaul its IPS by conducting an IP situation analysis, and on the basis of the findings, to formulate a NIPP and NIPS to guide the country's efforts to harness IPS for national development. The ongoing efforts to design Zimbabwe's NIPP and NIPS are also follow-ups to a decision of the Administrative Council of ARIPO held in Maseru, Lesotho, and recommendations of WIPO Development Agenda in 2011.

The efforts to design Zimbabwe's NIPP and NIPS are supported - both intellectually and financially - by the World Intellectual Property Organization (WIPO). The IP Audit (IPA), and the architectures of NIPP and NIPS are fully in line with WIPO's Strategic Goal III and WIPO's Development Agenda, to facilitate the use of IP for development through the integration of the development dimensions of the IPS in national development strategies, and equipping member states with the skills and tools required to enable them to fully benefit from the IPS.

PART II

ZIMBABWE NATIONAL INTELLECTUAL PROPERTY POLICY

2.1. Vision Statement

The Vision of Zimbabwe National Intellectual Property Policy is:

To transform Zimbabwe from a resource based economy to a knowledge based economy that can leverage the intellectual property regime for development.

2.2. Mission Statement

The Mission of Zimbabwe National Intellectual Property Policy is:

Creating an enabling environment that respects and utilises intellectual property as one of the key enablers to promote and enhance economic growth and development of all sectors of the Zimbabwean economy.

2.3. Objectives

2.3.1 General Objectives

The overall objective of the *Zimbabwe National Intellectual Property Policy and Implementation Strategy 2018-2022* (henceforth: ZNIPPIS 2018-2022) is to ensure that the entire intellectual property governance framework (i.e., diverse laws and regulations, strategies, action plans, treaties, protocols, practices, etc., with a bearing on intellectual property) leverages the country's IP potential for inclusive and sustainable economic growth and development.

2.3.2. Specific Objectives

In order to realize the general objectives specified in subsection 2.3.1, the *ZNIPPIS 2018-2022* seeks to effectively pursue the several interrelated specific objectives, which include *inter alia*:

- (a) Raising and consolidating IP awareness in the general public;
- (b) Sensitizing the stakeholders about the economic benefits of IP;
- (c) Enhancing IP knowledge and professional skills capacities in the country;
- (d) Encouraging IP mobilization through acquisitions and own creations;
- (e) Protecting IP;
- (f) Inspiring IP commercialization; and
- (g) Enhancing IP trading mediation capacities.

2.4. Sectorial focus of the ZNIPPIS (2018 - 2022)

2.4.1. Agriculture

Concerning Agriculture, the focus of *ZNIPPIS 2018-2022* shall be on the following issues, which play a key role in the sector's development:

- (a) Geographical Indications (GI's);
- (b) Plant Breeders Rights;
- (c) Indigenous Knowledge Systems (IKS);
- (d) Biodiversity.

In addition to the STIs produced by inventors and innovators, the protection systems listed above should be leveraged to make the agricultural sector in Zimbabwe thrive.

2.4.2. Industry

In the case of the industrial sector, the *ZNIPPIS 2018-2022* shall seek to achieve the following:

- (a) Strengthening the overall management of IPS;
- (b) Developing IP portfolios;
- (c) Ascertaining due diligence with regard to IP, in all transactions;
- (d) Enhancing the generation, protection and commercialisation of various IPRs³ in order to ensure that Zimbabwean economic entities (e.g., incorporated business entities, non-incorporated business entities, etc.) gain a competitive market positions;
- (e) Promoting interactions between innovators and researchers on the one hand, and industry on the other hand, through a functional innovation system;
- (f) Promoting the development and commercialization of innovative e-commerce tools to gain competitive advantages in a global market that is constantly evolving around ICTs;
- (g) Supporting ToT, including by setting up a regulatory authority to the process and ensure that the concerns and interests of all parties involved are respected;
- (h) Leveraging the TRIPS agreement, which paves the way for the application of the in-built flexibilities, without limitations on Zimbabwean economic entities (e.g., companies, individuals), for the purposes of national development.

³ Such as patents, industrial designs, trademarks, trade secrets, GIs and other IP protection measures.

2.4.3. Health Sector

In connection with the health sector, the *ZNIPPIS 2018-2022* shall seek to:

- (a) Promote access to medicines at affordable costs, by exploiting the TRIPs flexibilities;
- (b) Promote R&D in the area of pharmaceuticals, with a view to contribute to the improvement of the national and international healthcare systems, and ultimately the quality of life for Zimbabweans and humanity in general;
- (c) Prevent leakages of patentable research results;
- (d) Leveraging the knowledge and intellectual traditions of the indigenous peoples of Zimbabwe, by developing a national IKS, which effectively protects and facilitates the commercialization of Traditional Knowledge (TK);

2.4.4. Education, Training and Professional Skills Development

In order to counter the current realities, in which IP knowledge in Zimbabwe is quite limited and the country has a thin layer of IP professions (e.g., Patent and Trademark Attorneys, IP managers, Technology transfer and licensing experts, IP enforcement agents and Judges, etc.), the *ZNIPPIS (2018-2022)* shall spearhead the development of local capacities to provide:

- (a) Specialized foundation IP knowledge;
- (b) Practical professional IP skills.

The interventions in the knowledge sector (i.e., education, training, and professional development) shall form the fulcrum of IP knowledge generation and professional skills development.

2.4.4.1. Tertiary and Research Institutions

Regarding Tertiary and Research Institutions there will be interventions to support technology development initiatives of University and non-University research institutions, with the thrust being on research and development. Tertiary and research institutions must encourage research oriented learning, promote matchmaking between research and industry needs, create Technology and Innovation Support Centres (TISCs) and Intellectual Property Offices (IPOs) within university campuses, etc

2.4.5. Environment

Regarding the environmental sector, *ZNIPPIS 2018-2022*, shall commensurate with international undertakings, to which Zimbabwe is a signatory, pursue effective implementation of:

- (a) The Convention on Biodiversity (CBD);
- (b) The Nagoya Protocol.

The purpose of these policy interventions shall be to ensure that the process of harnessing IPR for socio-economic transformation does not come in conflict with the need to preserve Zimbabwe's environment for the current and future generations.

2.4.6. Culture

About the cultural sector, the *ZNIPPIS 2018-2022* shall focus on two ideas, intended to promote country's economic empowerment and development protecting and leveraging Zimbabwe's:

- (a) Cultural heritage, including IKS, as an central element of the country's portfolio of IP assets;
- (b) GIs as integral elements of the country's portfolio of IP assets.

2.4.7. Trade

With regard to the trade sector, the *ZNIPPIS 2018-2022* shall ensure that the use of IPR's in the export and importation of goods shall be applied effectively by:

- (a) Rigorously applying border measures to protect economic entities operating in the domestic Zimbabwean market (be they locally or and internationally owned businesses), and thereby creating a conducive investment environment;
- (b) Ensuring that the application of border measures do not deprive citizens of their rights.

2.4.8. Tourism

The tools of the intellectual property system are simply applicable to the tourism sector. Accordingly the emphasis of the *ZNIPPIS (2018-2022)*, in connection with the tourist sector, shall be to leverage the following IP assets to promote competitiveness through increased tourist activities (e.g., increased arrivals, increased revenues, etc.) in the domestic market.

- (a) *Certification marks*, which can be effectively used by hoteliers bound, as well as tour operators, to promote the quality of relevant local tourist industry services;
- (b) *GIs*, which can be used to promote rurally-focused and agri-driven tourism;
- (c) *IKS*, which can be used to promote, for instance, cultural to learn about and experience different cultures (e.g., arts and crafts, language, religion, music, traditions, folklore, etc.);
- (d) *Service Marks*, which can be used by local services providers like hotels, to distinctively position their market offer linking them to expected quality;
- (e) "Destination branding" of various locations, with assistance of *trademark*.

The overall purpose of these policy interventions is, to ensure that Zimbabwe optimally utilizes its diverse IP assets, which have a clear bearing on the growth prospects of the tourist sector.

2.4.9 Small and medium scale enterprises

With respect to the Small and Medium scale Enterprises (SMEs), *ZNIPPIS 2018-2022* shall focus on appropriate legislation, to enable them to utilize IP for growth, targeting *inter alia*:

- (a) Utility Models;
- (b) Other potential areas, such as *Collective Marks*, and *GIs*.

These policy interventions recognize and seek to harness the role of SMEs, which in Zimbabwe – as in literally all other countries across the world – evidently contribute significantly to the economy through innovations, investments, contribution to Gross Domestic Product (GDP), contribution to trade, and contribution to employment and professional skills development.

PART 3

IMPLEMENTATION STRATEGY OF ZIMBABWE NATIONAL INTELLECTUAL PROPERTY POLICY

3.1. Vision Statement

The vision of the Implementation Strategy of Zimbabwe National Intellectual Property Policy is:

To transform Zimbabwe into a globally competitive country, with a dynamic Intellectual Property System that propels creativeness and innovative/inventiveness, and effectively guides the promotion, acquisition, and commercialization of Intellectual Property for sustainable economic growth and development

3.2. Mission Statement

The following are the mission statements of the Implementation Strategy of Zimbabwe National Intellectual Property Policy:

- (a) *Systematically transform Zimbabwe into a country with high levels of IP awareness, IP consciousness, and IP literacy.*
- (b) *Inspire a culture of creativity, innovativeness and inventiveness in Zimbabwe, and Inculcate business competitiveness through strategic use of IP tools.*
- (c) *Develop sustainable fiscal and non-fiscal capacities to enable Zimbabwe to use IP as a vehicle for building a competitive economy through the creation, innovation/inventions, utilization, acquiring, and protection of IP.*
- (d) *Use IP to guide Zimbabwe into the industrialization era.*
- (e) *Empower the Zimbabwean society to leverage IP tools to transform its diversified and rich cultural, and natural heritage, into wealth.*

3.3. Guiding considerations

Six key considerations guide the generation of strategies for the implementation of Zimbabwe National Intellectual Property Policy interventions specified in Part 2. These are:

- (a) *Enhancing domestic capacities to generate IP.* The enhancement of the capacity of the Zimbabwean economy to generate its own IP shall be achieved through:
 - (i) Promoting innovation and technological advancements particularly to those sectors of the economy that are key to Zimbabwe;
 - (ii) Supporting transfer of technology (ToT) among domestic entities;
 - (iii) Supporting technology development initiatives of University and non-University research institutions (including R&D institutions), large scale industrial enterprises (LSIEs), small and medium scale industrial enterprises (SMSIEs), as well as individuals;
 - (iv) Enhancing local technological literacy and professional skills;

- (v) Developing proficient IP Management capabilities, both in the public and private sectors, to cover the whole IP chain of activities (i.e., creation, protection, acquisition, administration, commercial exploitation, valuation, licensing, enforcement and dispute settlement.
- (vi) Encouraging the undertaking of research and technology development domestically, by Foreign Direct Investment (FDIs), through effective IP protection;
- (b) *Promoting acquisition of IP.* The aim here is to both (i) support initiatives by Zimbabwean economic entities to acquire technologies from both local, foreign and international markets; with a special focus on selected priority areas, and (ii) encourage technology and innovation researches that are indigenous and appropriate to Zimbabwean needs;
- (c) *Promoting commercial exploitation of IP.* Notably, an IP asset is only useful when it is fully exploited. An effective IP policy and its implementation strategy should foster commercial exploitation of various types of IPRs. Moreover, the platform should link the various actors in the IPS (i.e., creators, facilitators, managers, and users) in a win-win situation.
- (d) *Put in place reliable IP laws and regulations, and enforcement mechanisms.*
- (e) *Essence of regional and global cooperation.* In implementing the policy, Zimbabwe is obliged to co-operate with its international partners. This cooperation may occur in the context of bilateral, regional, multilateral and plurilateral agreements.
- (f) *Supporting industrial transformation of the economy.* With reference to our knowldge about what are the effective drivers of sustainable economic growth and development, a viable IP policy and its implementation strategy should be geared towards supporting a process of sytematic industrial transformation of the economy.

3.4. Action plan

3.4.1. Raise and consolidate IP awareness

Necessary measures shall be undertaken, in order to raise and consolidate IP awareness, among Zimbabweans. The measures in question shall form part of a comprehensive outreach programme, embracing specific programmes targeting the following:

- (a) The general public, in order to raise its IP awareness;
- (b) Specific stakeholders' groups, in order to raise their IP awareness;
- (c) Key stakeholders in the public sector, private sector and civil society, and sensitizing them on the economic benefits of IP.

3.4.2. Consolidate IP literacy and professional skills

The capacity of the Zimbabwean economy to generate its own IP shall be achieved through by systematically building and sustaining a competitive pool of local IP experts, through, *inter alia*:

- (a) Designing and integrating in the curricula of domestic education and training institutions, individual courses and integrated programmes on IP matters;
- (b) Designing and integrating in the agenda of domestic research institutions (University and non-University including specialized R&D institutions) IP research themes;

- (c) Mainstreaming the IP profession in Zimbabwe, by designing and integrating in the job offers of different types of domestic institutions (public, private, civil society), the positions of IP experts.
- (d) Additional support by GOZ shall seek to: (i) finance research, (ii) encourage research oriented learning, (iii), promote matchmaking between research and industry needs, (iv) create Technology and Innovation Support Centres (TISCs) and Intellectual Property Offices (IPOs) within university campuses, etc.

Through these interventions, it will be possible to have a critical mass of human capital needed to spearhead the process of IP generation by inventors, innovators and creators; and manage the IP activities in public sector institutions, private sectors institutions, and civil society institutions.

3.4.3. Enhance IP domestic governance framework

In order to offer effective and watertight protection, Zimbabwe IP governance framework shall offer all facets of IP, secured and efficient protection. To this effect, Zimbabwe's IP governance framework shall be enhanced in the following ways:

- (a) *Bridging the gaps.* This should ensure that (i) IP policies are exhaustive, and are comprehensively complemented by other element of the governance framework (i.e., IP laws and regulations, other relevant laws and regulations), (ii) there is coherence amongst the various elements of the IP governance framework (which broadly includes measures referred to by various names: action plans, agreements, conventions, declarations, protocols, treaties, etc.);
- (b) *Provision of comprehensive protection of Zimbabwe's IP concerns and interests.* Such protection shall be guaranteed at local and international levels (within the broad contexts of bilateral, regional, and global action plans, agreements, conventions, declarations, protocols, treaties, etc.). Moreover, relevant measures on GIs, TK and IKS, and biodiversity, shall ensure that communally owned IP (or community IP) benefit the right people.
- (c) *Ensure that the application of IPR does not stifle competition.* Therefore, relevant laws and regulations shall (i) control against adverse use of IPR to stifle innovation, creativity, productivity and information dissemination in the market, (ii) control collusive behavior of IPR holders, and (iii) evaluate market agreements, which involve significant IPRs transfer, and can adversely impact the market dynamics.

3.4.4. Enhance domestic fiscal capacities to finance IP generation and commercialization

In order to enhance domestic fiscal capacities to finance IP generation and commercialization, the GOZ shall:

- (a) Mobilise and provide incentives to various financial institutions, including (i) private sector financial institutions, (ii) government and state agencies; (iii) other investors to assist and consider financing viable technology and innovation oriented projects.
- (b) Organise a round table of relevant stakeholders to map the situation and device a viable IP finance system to assist and nature creativity and encourage innovation and inventiveness.

3.4.5. Developing an integrated IP economy in Zimbabwe

In order to develop an integrated IP market⁴ in Zimbabwe, it is essential to at least address three issues: promote IP entrepreneurship, develop the IP market.

3.4.5.1. Promotion of entrepreneurship in selected areas

Pertinent measures shall be undertaken, in order to develop entrepreneurship in certain areas, prioritizing important areas for the evolution of a competitive IP economy. Taking into consideration Zimbabwe's specific situation, due efforts shall be directed at developing entrepreneurship capacities for the creative industry, technology entrepreneurship capacities, and industrial entrepreneurship capacities.

3.4.5.2. Developing an integrated domestic IP market

In order to develop an integrated domestic IP market for Zimbabwe, it is essential to:

- (a) Develop reliable mechanisms to link IPR owners, who are the potential sellers of IP assets (including creators, and innovators and inventors), IPR users who are the potential users of IP assets by using them for commercial scale production of goods and services, and facilitators of IP transactions (including different types of finance institutions, providers of legal advisory services, providers of market information, etc.);
- (b) *Promote the use of IP resources.* The emphasis shall be placed on encouraging and supporting local actors to leverage IP resources, and the targeted users shall include: (i) business sector and, (ii) Universities and non-University institutions engaged in education, training, and research (including specialized research and development institutions).

In addition, GOZ shall encourage local actors to use free-access IP assets. In this regard, it will make available unused and lapsed high value IP resources to Large scale Enterprises (LSEs), which have the capacity to effectively work and commercialise such resources.⁵ In addition, in view of the evidenced role of SMEs in promoting innovations, GOZ shall encourage the creation of and provide support to *consortia of SMEs*, to enable them to pool efforts and commercialize free-access IP assets.

- (c) *Support the development of a comprehensive system for facilitating various types of IP transactions.* The system should include, institutions capable of providing services related to IP analysis and due diligence, IP financing institutions (with appropriate IP financing instruments), IP legal services providers, IP marketing services providers, etc.
- (d) *Provide a platform for essential IP market information.* In this regard, the GOZ will (i) create a platform for industry to have unhindered, effective access to Patent and Design knowledge from various national and international and other countries like China, South Korea and Japan through bilateral relations, (ii) create a tripartite IP Forum – an IP Roundtable - bringing together industry, academia and the state agencies.

⁴ An integrated market requires the existence of critical masses of, among other actors: (i) sellers, (ii) buyers, and (iii) diverse facilitators of transactions. Measured by these criteria, the IP market is rather underdeveloped.

⁵ Nevertheless, the primary focus of the GOZ will be to raise the value creation systems of local SME industries and thus will put more thrust and emphasis on them.

3.4.6. Enhance domestic institutional capacities for IP administration

In order to strengthen the national IP administrative capacities, the GOZ shall:

- (a) *Strengthen national IP office.* The GOZ is creating a separate IP department with a structure that will make it a more viable, visible and a focal institution in the technology, creativity and innovation cycles. The GOZ seeks to increase efficiency and effectiveness of the institution in managing rights of nationals and foreigners at the highest level.⁶
- (b) *Establish a system for IP management at Universities.* The GOZ will (i) encourage universities to come up with IP Policies which will act as guides in the creation, management and use of IP, and (ii) avail the National IP Office to assist in the formulation of these IP Policies were necessary.
- (c) *Establish a system for management in the private sector.* The private sector in Zimbabwe lacks basic knowledge and determination in managing IP. The GOZ will create a viable mechanism of educating and integrating the private sector in IP decisions impacting on their ability to manage the IPRs. Of note, the GOZ is cognisant of cost and structural impediments in IP management and thus seek to engage the private sector to create a system with respect to securing rights and maintain them.
- (d) *Institutionalize a mechanism for a licensing control.* The mechanisms (e.g., unit) will be responsible for analysing, validating and endorsing, and enforcing (i) licenses, (ii) assignments, and (iii) other contractual obligations; among the diverse IP stakeholders, including the government, University and non-University research institutions (including specialised R&D institutions), as well as the private sector.⁷
- (e) *Establish a model national licensing system.* This will be a national framework for a cross cutting licensing system, which will enable intra- and inter-sector licensing schemes for exchanged IP information, products (i.e., goods and services), and processes.⁸
- (f) *Establish Technology and Innovation Support Centres (TISCs).* They shall be established in selected provinces especially within the campuses of institutions of higher learning, to:
 - (i) Provide access patent materials and citations which are vital for technology and innovation capacity building, to researchers and other interested parties;
 - (ii) Allow for sharing of research results from local institutions and in the same manner become a gateway for disseminating information to industry;
 - (iii) Be used as platforms to train various stakeholders (general public, private sector, knowledge sector institutions, etc.) on how to access patent databases and materials;
 - (iv) Provide access to various patent databases.
- (g) *Establish a strategy for the promotion and communicating intellectual property activities.* The GOZ will put in place a strategy for promoting and communicating all facets of IP activities through a coordinated effort by various stakeholders. In order to raise IP consciousness, the GOZ undertakes to make it a subject of national interest, relevant to all levels of society, and to promote it through activities like exhibitions, expositions, workshops, training, media channels, news and e-media.⁹

⁶ Of note is GOZs desire to strengthen Patent and Copyright protection systems. The GOZ will ensure that the staff skills are of international standards and their execution of duty complies with the needs and desires of the stakeholders. Examination as a critical component of the institution needs a re-design (workflow) and strategically organise it to expedite grants

⁷ The licensing unit will work with university IPOs, R&D institutions and private sector institutions in making sure that the system is fully complied with. The GOZ will set parameters and modalities on the functionality of the licensing unit.

⁸ The system will borrow and modify from other developed systems. The GOZ will guarantee an ideal remuneration system between parties and create a mechanism for removing probable conflicts within that framework.

⁹ IP must be a norm from primary school level to tertiary level. It must be known thoroughly throughout various categories of industry. The GOZ strives to create an IP conscious society with firm understanding of the role it plays in socio-economic development.

- (h) *Establish institutional mechanisms for coordinating the IP initiatives of the government.* Whilst the institution mandated with the registration and administration of national IP is ZIPO, the role other relevant institutions cannot be ignored. The establishment of a co-ordination agency shall bridge the gap that exists currently among the institutions, and help to promote synergies in IP management.

3.4.7. Enhancing domestic capacities in Zimbabwe to use branding as a marketing tool

As part of efforts to enhance the domestic capacities in Zimbabwe to use branding as a marketing tool, it would be necessary to design and institutionalise branding outreach programmes in Zimbabwe. Accordingly, IP administration institutions to design and institutionalize:

- (a) Sensitization programmes on the economics of branding, in order to raise the awareness of decision makers in the public and private sectors, on leveraging branding as a marketing tool
- (b) Literacy programmes on the economics of branding, in order to train various stakeholder groups (e.g., business sector, government institutions, education and training institutions, civil society organisations, etc.), through courses tailor-made to cater for their specific needs

Equally important for the enhancement of the domestic capacities in Zimbabwe to use branding as a marketing tool is the need to develop a national branding strategy. In this connection, IP stakeholders to design a national branding strategy for Zimbabwe, to spearhead the efforts of domestic enterprises efforts to develop distinct product brands for Zimbabwe, with a focus on commercializing IP products, using GIs, TKS, and trademarks.

3.4.8. Complimentary measures

3.8.1. Create domestic mediation platforms and mechanisms to facilitate transfer of technology

The following measures shall be implemented, in order to ease ToT:

- (a) *Establishment of Product Development Partnerships.* Within the same arrangements the GOZ will engage/ rope in universities and R&D institutions to further consolidate knowledge gains. The GOZ will work to ensure any IP created out of such arrangements is protected, exploited or licensed in a proper and beneficial manner.¹⁰
- (b) *Establish TISCs*

3.4.8.2. Balancing the interest of all stakeholders

In order to ensure that the IP economy benefits all Zimbabweans, it is essential to develop mechanisms to foster:

- (a) Symbiotic relationship between the protection and commercial utilization of IP;
- (b) Facilitating equitable access to and benefit sharing in the commercial exploitation genetic resources and their associated traditional knowledge;
- (c) Promoting access to health and essential medicines.

¹⁰ PDPs are vital in the innovation and technology ecosystem. The GOZ seeks to encourage and promote a more robust and beneficial relationship between the State and the Private sector in the creation of products and services in the fields of pharmaceuticals, energy, water, agriculture, mining and manufacturing. The idea is to tap into the expertise of the private sector and take advantage of financing arrangements to benefit the public. The GOZ seeks to use the PDPs as a strategic way of enabling technology and knowledge transfer.

PART FOUR

CONCLUSIONS AND WAY FORWARD

4.1. Conclusions

IP is a major strategic asset for promoting innovation and technological development which in turn will enhance economic and social development if properly managed.

The collection of provisions of the ZNIPPIS, contained in part 2 of this document (Zimbabwe National Intellectual Property Policy) as well as part 2 of this document (Implementation Strategy of Zimbabwe National Intellectual Property Policy) present a comprehensive set of measures, to guide the country's efforts to leverage IP for sustainable economic growth and development. The full implementation of the policy will help enhance the competitiveness of Zimbabwean products and services in global markets much to the benefit of the country and the citizenry as a whole.

Moreover, commensurate with current understanding of the practices in the management of development process, and in order to make the ZNIPPIS complete and ready for implementation, it is necessary to design and append to this ZNIPPIS:

- (a) A comprehensive *action plan*. This is an Action Plan of the Implementing Strategy of Zimbabwe National Intellectual Property Policy.
- (b) A comprehensive *results-based monitoring and evaluation (M&E) framework*. This is an Indicative Results-Based Monitoring and Evaluation Framework.
- (c) An *indicative budget*, which outlines the financial requirements for the implementation. This is an indicative Budget for the Implementation of the Action Plan of the National Intellectual Property Strategy.

4.2. Way forward

The IP stakeholders, led by the GOZ must turn their attention to the mobilization of fiscal resources (specified in Annex C) as well as non-fiscal resources, from diverse local, foreign and international sources, which are needed to set in motion the implementation of the policy.

The efforts to mobilise fiscal and non-fiscal resources can prudently, be led by a Resource Mobilization and Deployment Strategy (RMDS). It can be designed internally by the National Interministerial Committee on Intellectual Property, without or with external support (through Technical Assistance).

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