

TERMS OF REFERENCE

Consultancy for the Development of an Intellectual Property Roadmap for CARIFORUM Businesses and Exporters

1. BACKGROUND INFORMATION

1.1 Beneficiaries

The beneficiaries under this project are private sector entities in the 15 CARIFORUM Countries and all other entities which have an interest in intellectual property for business.

1.2 Contracting Authority

The contracting authority for this assignment is Caribbean Export Development Agency (*hereinafter* Caribbean Export).

1.3 Relevant sector background

Caribbean Export Development Agency is the regional trade and investment promotion agency within the CARIFORUM Region. The mission of the Agency is to increase the competitiveness of the Caribbean countries by providing quality trade and investment development and promotion services through programme execution and strategic partnerships. The Agency is currently implementing the Regional Private Sector Development Programme under the 10th European Development Fund. Component 2 of this programme speaks to the promotion of trade and export development among CARIFORUM States and Component 2.4 speaks more specifically to the “Increased understanding and utilisation of intellectual property rights as a trade development tool by governments and private sector”. In 2013, Caribbean Export, in collaboration with the World Intellectual Property Organisation (WIPO) hosted a workshop entitled, “The Use of Intellectual Property as a Tool for Business/Export Enhancement.” This Workshop sought to fulfil the following objectives:

- To introduce participants to intellectual property (IP) tools which may be used to enhance their businesses and increase exports
- To explore the licensing and franchising tools available to businesses.
- To highlight examples of successful businesses which have utilised intellectual property tools in their businesses
- To facilitate business assessments which will assist exporters and SMEs in determining what IP mechanisms are relevant to their businesses.

The workshop revealed the fact that many members of the private sector within the Region, including the business support organizations, were not necessarily familiar with intellectual property tools in general, or how such tools may be used to assist their businesses in reaching their full potential and improving their capacity to export and methods of registering their intellectual property within their jurisdiction and beyond. Furthermore,

information on the registration processes within and across the region were not readily available and remains scattered.

2 OBJECTIVE, PURPOSE & EXPECTED RESULTS

2.1 Overall objective

The overall objective of this consultancy is to design a roadmap to allow for CARIFORUM firms to become familiar with the various tools for protecting and leveraging intellectual property as well as the registration requirements available in the region related to Intellectual Property Rights.

2.2 Results to be achieved by the Consultancy

The main results to be achieved by this consultancy will be:

- A Review and assessment of the various methods of protecting intellectual property in the CARIFORUM Region;
- Identification and review of the legal instruments (national and international) relating to intellectual property in the CARIFORUM Region;
- Identification of the methods and process of registering intellectual property in the territories of the CARIFORUM Region;
- Identification of resource persons within the region with expertise on intellectual property rights, and including their respective specialisation.
- Identification and documentation of national intellectual property offices and other IP services related offices including full contact details and description of the respective services they provide.
- Development of a roadmap to assist CARIFORUM firms with navigating the Intellectual Property landscape including tools for registration and protection of their IP assets..

2.3 Assumptions underlying the project intervention

The following assumptions underlie these Terms of Reference:

- (i) This Consultancy will support regional initiatives that serve to improve the use of Intellectual Property as a tool for trade development for CARIFORUM States;
- (ii) Stakeholders understand the importance of registering their intellectual property;
- (iii) That public and private sector stakeholders within the industry are of the aware of the EPA and the potential opportunities arising from that Agreement.

2.4 Risks

The following are anticipated risks:

- Lack of information on intellectual property rights within the CARIFORUM Region.

3 SCOPE OF THE WORK

3.1 General

3.1 .1 Specific Activities

To achieve the expected results of this review, the Consultant will:

- (i) Conduct an inception meet with Caribbean Export to discuss the project and its execution in detail. Items such as timelines, possible constraints and deliverables will be discussed further at this time.
- (ii) Review available literature (reports, studies, strategies, etc.) on intellectual property and the protection thereof in the CARIFORUM Region including identification and review of legislation
- (iii) related to intellectual property in the territories of the CARIFORUM Region to determine what intellectual property rights are protected in the Region and the method of protection;
- (iv) Establish and agree with Caribbean Export on the key approaches and methodologies for designing a roadmap on intellectual property within the CARIFORUM Region;
- (v) Conduct consultations with key stakeholders in the Region. These will include but not limited to other Regional Institutions, BSOs and selected International Agencies;
- (vi) Develop and present to Caribbean Export for approval an outline for the IP Roadmap that will be used to develop the draft and final document;
- (vii) Develop and present a clear Intellectual Property Roadmap, which will include an overview of the tools available to protect intellectual property assets, the legal instruments available, detailed guidelines on the process for registering intellectual property within and across the region, and a list of intellectual property persons and national offices.

3.2 Contracting Authority & Responsibility

3.2.1 Responsible body

Caribbean Export shall be the contracting authority for this assignment and shall have overall responsibility for its delivery and implementation.

4 LOGISTICS AND TIMING

4.1 Location

The Consultant must be either an ACP or EU national or be legally registered as a business in either. The consultant may be required to conduct some of the assignment from in-country as agreed prior with Caribbean Export. Where travel is required this will be agreed with Caribbean Export before such travel is undertaken. Where possible, the Consultant should make optimal use of Information Communication Technologies, including videoconferencing and online meeting platforms to enhance collaboration among team members and organisations around the region

4.2 Commencement date & Period of implementation

The intended commencement date is 12 May, 2014 and should be completed by 31 July 2014.

5 REQUIREMENTS

The Consultant must have the following qualifications:

- A minimum first degree in law with specialization in Intellectual Property Rights or an advanced degree in law or business with experience as set out below.
- At least ten years' experience in working with intellectual property rights and or providing businesses advisory services including for IP issues;
- Have completed similar projects in other jurisdictions or regions;
- Familiarity with the legal structure of the countries within the CARIFORUM Region, including the current legislation and international agreements relevant to Intellectual Property Rights to which these territories are signatory
- An excellent command of English (knowledge of Spanish and or French is desirable);
- Excellent oral and written communication skills;
- Ability to work effectively in a multi-cultural, diverse, dynamic environment;

Interested and suitably qualified candidates are required to submit a project proposal (technical and financial) as well as a resume addressed to:

The Manager, Trade and Export Development
Caribbean Export Development Agency
1st Floor Baobab Tower
Warrens, St. Michael
BARBADOS, W.I.
Email: dgomez@carib-export.com

6 THE DEADLINE FOR THE SUBMISSION OF PROPOSALS IS 2 MAY , 2014.

7 REPORTS

7.1 Reporting requirements

1. An inception report to be submitted not later than one week after the consultant has been contracted. This Report should outline any approaches required to successfully implement the assignment, as well as any expected constraints and obstacles to completing the assignment and provide acceptable recommendations for overcoming those.
2. Submission of a draft outline of the IP Roadmap for CARIFORUM Businesses and Exporters for approval by Caribbean Export by 9th June, 2014. This should be accompanied by an interim report setting out key findings from any consultations and the review of relevant literature and legal documents,.
3. Draft Intellectual Property Roadmap for CARIFORUM Businesses and Exporters, to be submitted by 11th July, 2014, which will include descriptions of the tools available to protect intellectual property, the legal instruments available to CARIFORUM business and SMES, and detailed guidelines for registering intellectual property assets in the various countries within the region. This should include a listing of all relevant IP registration offices and experts.
4. A final complete version of the Intellectual Property Roadmap for CARIFORUM Businesses and Exporters, to be submitted by July 31, 2014, and which is based on the draft that was submitted earlier but taking into consideration any feedback and comments received.

The Consultant is required to submit two (2) hard copy originals; and one (1) electronic copy of the final report (Word version). Other reports including interim reports and the draft IP Roadmap for CARIFORUM Businesses and Exporters may be submitted electronically.

7.2 Duration

The duration of the consultancy is 35 -billable days over two and a half calendar months.

7.3 Special requirements

Confidentiality in the discharge of the obligations is a requirement.