Terms of Reference

National Intellectual Property Policy for Sri Lanka

1. Background/Objective

Sri Lanka needs to identify priorities, objectives & goals and formulate National Intellectual Property (IP) Policy to reach the goals by creating an effective policy framework. In this background, Formulation of National Level IP Policy can play a critical/major role in addressing socio-economic objectives through strengthen the national policy while overcoming weaknesses in order to utilize IP resources effectively for sustainable national growth.

Therefore, the Government of Sri Lanka mainly focuses to protect the interest of all stakeholders related to IP by providing sufficient Legal protection to move forward in knowledge based economy. On the other hand, comprehensive IP Policy have ability to protect national IP as well as it is facilitate to enter into the International Agreements & Treaties towards creating flexibility and positive externalities for Sri Lanka.

Accordingly, Ministry of Industry and Commerce is envisaged to draft a comprehensive Intellectual Property Policy for Sri Lanka as the subject of Intellectual Property Rights comes under the purview of the Ministry.

As per a discussion held between the Secretary to the Ministry of Industry & Commerce, Permanent Representative of Sri Lanka to the UN, Geneva (PRUN) and officials from the World Intellectual Property Organization (WIPO) in June 2017 on drafting of a comprehensive IP Policy for Sri Lanka and it has been suggested to obtain a service of a suitable consultant for the purpose to draft and finalize the policy within a reasonable time period.

In this context, expertise will be sought to undertake this assignment, in consultation and coordination with the Ministry of Industry and Commerce, WIPO and National Intellectual Property of Sri Lanka (NIPO).

Action has already been taken to reconstitute sub-committee consisting the representatives/stakeholders from several institutions highly related to the Intellectual Property Policy formulation in order to include wide stakeholders’ consultations.

In light of the above, service of a consultant has to be obtained to assist the above subcommittee and following task is expected to be performed and completed by the consultant who will be assigned by this Ministry.
2. **Objective**

Preparation of Comprehensive Intellectual Property Policy for Sri Lanka with the intention to implement the strategies in line with the economic and innovation dimensions of the country.

3. **Description of the Assignment**

The Consultant shall undertake the following tasks:

<table>
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<tr>
<th>Task</th>
<th>Deliverable</th>
<th>Time frame (Maximum)</th>
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<tbody>
<tr>
<td>1. Conduct Desk Research of existing National IP policy of other countries such as India, Mongolia and South Africa but not limited to such countries, in view of preparing a preliminary draft national IP policy for Sri Lanka to be used in public consolations and benchmarking;</td>
<td>Guideline</td>
<td>02 weeks</td>
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<td>2. Prepare and submit the preliminary draft national IP policy to the Ministry of Industry and Commerce and the NIPO for review, discussion and revision prior to the public consultation. For this purpose the Consultant should look into existing legal, social, economic, technological and cultural environs that will have an impact on the IP Policy.</td>
<td>Presentations with draft policy document</td>
<td>03 weeks</td>
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| 3. Assist the Ministry in organizing the public consultations, make presentations on the preliminary draft and facilitate discussion during the consultation meetings with relevant stakeholder groups;  
   a) Public Sector & Whole of government;  
   b) Private Sector, Professional Associations & Industries;  
   c) Academe, the Economic Development & Research Entities;  
   d) Major Industry & Trade Players, Prominent Artists, Scientists and the likes; | Presentations with draft policy document with including stakeholders comments & views | 06 weeks |
| 4. Revise the draft national IP Policy after the public consultation to take into consideration and/or incorporate the views, comments and feedback from the key stakeholder groups. | Revised advanced Policy document | 02 weeks |
| 5. Submit the Final draft national IP policy and make presentations of the Policy in preparation for and during the study visits. | Final Draft National IP Policy | 02 weeks |
After each deliverable draft report to be submitted to IP Policy Committee for review/approval.

4. **Duration of the Contract and Payments**

The duration of the contract will run for 14 weeks from the date of awarding contract for the above mentioned deliverables /services, Payments will be made in 04 instalments according to the following schedule/milestone.

<table>
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<tr>
<th>Payments</th>
<th>Task</th>
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<tbody>
<tr>
<td>Advance Payment</td>
<td>Up to 20 % - Upon entering in to the contract</td>
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<tr>
<td>1st Interim Payment</td>
<td>Balance 40 %(Up to 60 % - of the contract)After submitting the preliminary draft/interim report of the task 1 &amp; 2</td>
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<tr>
<td>2nd Interim Payment</td>
<td>Balance 20 %(Up to 80 % - of the contract)After submitting the advanced draft/interim report of the task 3&amp;4</td>
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<tr>
<td>Final Payment</td>
<td>Balance 20 % (Up to 100 % of the contract) After Incorporating the comments from the stakeholders and submission of the Final report and approved by the Ministry of Industries and Commerce.</td>
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</table>

5. **Request**

Consultant should has sufficient knowledge of the relevant subject matter, including but not limited to IP in Sri Lanka and the drafting skills in order to produce the final draft IP policy for public consultation and benchmarking.

Suitable policy making institutions, firms and consultancy companies are required to submit their proposals with following information:

- Technical proposal on the methodology on the tasks to be completed with deliverables and time line
- CVs and credentials of the consultants and the experts involve
- Profile of the Company / firm and credentials, with similar experience and expertise.
- Financial proposal / Budget which clearly indicate the number of days, daily fee of each consultant/expert and other related costs (transport/logistics) associated with the assignment.
6. Other

I. In some instances, and international firm, capable of policy support may advise and guide the consultant for optimising the outcome. In such instance relevant flexibility and adoptability to be tendered by the consultant.

II. Duration of the Assignment shall be **14 weeks**, starting from the date of signing the contract.

III. Deadline for submission of proposals: **10th November 2017**.

IV. Proposals to be addressed in registered cover to:

Additional Secretary (SME & Textile Development),
Ministry of Industry & Commerce,
No 73/1, Galle Road,
Colombo 03
Sri Lanka