

**Kingdom of Cambodia**  
NATION – RELIGION - KING

**Ministry of Commerce**

**TDSP Management**  
**Memorandum of Understanding (MOU)**

*between*

**Department of International Cooperation**  
**(DICO) as Executing Agency (EA)**

*and*

**Department of Intellectual Property Rights**  
**(D/IPR)/Secretariat of National Committee for**  
**Intellectual Property Rights (NCIPR) as**  
**Implementing Agency (IA)**

**No. TDSP/2010/009**

**28 September, 2010**



The **Royal Government of Cambodia (RGC)** has received joint funding from the International Development Association along with other donors including the European Commission, DANIDA and UNIDO (jointly referred to as **Multi Donor Trust Fund**) toward the cost of **Trade Development Support Program**, and it intends to apply part of the proceeds of these funds to payments under the “**Enhancing Intellectual Property Teaching and Training**”, for the Department of Intellectual Property Rights (D/IPR)/Secretariat of National Committee for Intellectual Property Rights (NCIPR), Ministry of Commerce.

**(1) Department of Intellectual Property Rights (D/IPR)/ Secretariat of National Committee for Intellectual Property Rights (NCIPR), Ministry of Commerce**

**Overall task:** The IA will be responsible for implementing and monitoring of activities as outlined in the TDSP Management MOU between D/ICO/MoC and Department of Intellectual Property Rights (D/IPR), Secretariat of NCIPR Ministry of Commerce on the “**Enhancing Intellectual Property Teaching and Training**”.

**Task Components:** The IA agrees to ensure the completion of the following activities described in the Project Work Plan and Project Budget Plan as attached in Annex A, B and C. The funds and resources provided under this MOU cannot be used for any purpose other than which is expressly set forth in Annex A, B and C.

**Background data**

<b>Proposal Title</b>	<b>Enhancing IP Teaching and Training</b>
TDSP Registration Code	TDSP2009-019
Implementing Agency	Department of Intellectual Property Rights (D/IPR) /Secretariat of NCIPR, Ministry of Commerce
Budget Requested (USD)	110,000
Pillar Focus	Pillar 1: Legal Reform
TDSP Component Focus	Component 1c: Other Legal Reforms and RGC WTO Obligations
Duration	20 months
D/ICO liaison officer	

**Proposal brief**

Outcome indicator	Better quality and reliability of information on IP and IPR available in Cambodia
Main objective	Assess IP training needs throughout Cambodian government agencies and institutions of higher learning and promote coordination among various institutions and agencies in developing IP curricula
Main activities	1. Assess capacities and needs in the area of IP training 2. Establish IP curricula and draft training materials in Khmer 3. Develop a team capable to undertake the translation into Khmer of IP texts, and translate IP texts

**Section I**

**Purpose, Duration, and Basis for Amendment**

1. This TDSP Management MOU represents the mutual partnership entered into between the




DICO/MoC and Department of Intellectual Property Rights (D/IPR) /Secretariat of NCIPR, Ministry of Commerce.

- for the implementation of the D/IPR's project **“Enhancing IP Teaching and Training”** as indicated in Project Work Plan and Project Budget (Annex A, B and C);
  - with each partner's roles and responsibilities clearly defined; and
  - for the period from 1<sup>st</sup> October 2010 through 30<sup>th</sup> May, 2012 (20 months).
2. The principal mechanism of funding support to the D/IPR/Secretariat of NCIPR's Project Work Plan will be through the DICO/MoC.
  3. This MOU is subject to revision at any time in the course of the project by the mutual consent of both parties.

## **Section II**

### **Roles and Responsibilities**

Throughout the duration of the project:

1. The DICO/MoC will be responsible for
  - (i) providing overall financial management of the project, and administer on behalf of D/IPR with the assistant of national financial adviser attached with D/ICO;
  - (ii) undertaking all procurement plan, procurement and logistic activities on behalf of D/IPR;
  - (iii) providing technical assistance on planning and any other areas; and
  - (iv) conducting regular monitoring and supportive supervision.
2. The D/IPR shall be responsible for:
  - (i) implementation of the project Work Plan and schedule;
  - (ii) ensuring adequate staff for undertaking the duties;
  - (iii) providing assistance to D/ICO in conducting needs assessment on key sectoral issues, as required; and
  - (iv) assist DICO in drafting TOR and Selecting service provider
  - (v) submitting monthly, quarterly and yearly TDSP management progress reports.

## **Section III**

### **TDSP Management MOU Implementation and Overall Supervision**

1. The execution of the responsibilities by the D/IPR shall consist of the implementation of all activities and the production of all outputs specified in the attached Work Plan. For this purpose, a number of monitoring indicators have been included in the Plan, along with annual targets as contained in the Project Work Plan and Project Budget Plan.
2. Where the project calls for TDSP advisor to assist in the management of the project, this advisor will play a key facilitating role in implementing this TDSP Management MOU, with consultation with the Implementing Committee (IC) chaired by H.E. PAN Sorasak, Secretary of State, Ministry of Commerce.
3. In undertaking its responsibilities, DICO/MoC regularly exchanges information and assessments with the World Bank.

## **Section IV**

### **Payment**

1. The DICO shall respect Government rules and regulations relating to expenditure of funds from the TDSP budget for the implementation of activities in the project Work Plan.

2. The total estimated project cost should not more than **USD 110,000.00**, which shall be funded by TDSP:

It is anticipated that no additional costs will be paid by the TDSP/MoC unless additional activities are requested and approved to be performed. The DICO may request to TDSP/MoC that budgeted funds be reallocated among activities, when experience with execution shows that this will enhance the project outcome. The DICO shall manage funds following financial management guidelines/manual of the World Bank, Ministry of Economy and Finance and following procedures specified in the TDSP Supplementary Financial Management Manual (SFMM). If approved expenses are less than the advance, the DICO<sup>1</sup> is acting on behalf of D/IPR must refund the balance to the TDSP/MoC.

### Dispute Resolution:

Any differences arising out of this TDSP Management MOU shall be settled between the parties. In the event that the parties remain unable to resolve the differences, the issue will be brought to the Implementation Committee (IC) for its consideration and advice.

### Termination:

Each party, without prejudice to any other remedy for breach of TDSP Management MOU, by written notice of default sent to the IC may terminate this TDSP Management Agreement in whole or in part:

- (a) if the D/IPR and/or DICO of the Ministry of Commerce fails to perform any of its obligations under the TDSP Management MOU; and/or
- (b) if the DICO and/or D/IPR of Ministry of Commerce, in the judgment of the IC has engaged in unfair practices in implementing the TDSP Management MOU.

This TDSP Management Memorandum of Understanding may **not** be modified except by prior written consent of both parties, the DICO/MOC and the D/IPR of Ministry of Commerce.

Ministry of Commerce, Representative



Name: **UCH Kimyon**  
Title: Director, DICO and  
Project Director of TDSP/MoC  
Date: 28 September 2010

#### Annexes:

Annex A: Project Work Plan  
Annex B: Project Budget Plan  
Annex C: Project Proposal

D/IPR and Secretariat of NCIPR Representative 

Name: **VAR Roth San**  
Title: Director, D/IPR and  
Head of Secretariat of NCIPR  
Date: 28 September 2010

<sup>1</sup> As laid out in Section II (i) of the Mo.U



Cambodia Trade Sector Wide Approach (Trade SWAp)

**SUB-STEERING COMMITTEE ON TRADE DEVELOPMENT AND TRADE RELATED INVESTMENT  
TRADE DEVELOPMENT SUPPORT PROGRAMME (TDSP)  
2010 WORK PLAN**

**Background data**

<b>Proposal Title</b>	<b>Enhancing IP teaching and training</b>
TDSP Registration Code	TDSP2009-020
Implementing Agency	Intellectual Property Rights Department, Ministry of Commerce
Budget Requested (USD)	110'000
Pillar Focus	Pillar 1: Legal Reform
TDSP Component Focus	Component 1c: Other Legal Reforms and RGC WTO Obligations
Duration	20 months
D/ICO liaison officer	

**Proposal brief**

Outcome indicator	Better quality and reliability of information on IP and IPR available in Cambodia
Main objective	Assess IP training needs throughout Cambodian government agencies and institutions of higher learning and promote coordination among various institutions and agencies in developing IP curricula
Main activities	<ol style="list-style-type: none"> <li>1. Assess capacities and needs in the area of IP training</li> <li>2. Establish IP curricula and draft training materials in Khmer</li> <li>3. Develop a cadre of individuals able to undertake the translation into Khmer of IP texts, and do some translations</li> </ol>

**For D/ICO Use**

<b>File Number</b>	
<b>Date Received</b>	
<b>D/ICO Focal Point</b>	
<b>Actions To Be Taken</b>	

**Royal Government of Cambodia  
Trade Development Support Program (TDSP)**

**Submission of a Project Proposal**

**This information will be used by D/ICO to begin assisting you to obtain financing for a project through the TDSP.**

**I. Submitting Agency Information<sup>1</sup>**

<b>1. Submitting Agency</b>	NCIPR	<b>2. Date Submitted:</b> [xx/yy/zz]
<b>3. Submitting Director and Contact Information</b>		
Mr/Ms. [name, title] Var Roth San, Director, Intellectual Property Department, MoC, and Chairman, NCIPR Secretariat		
Address:	Tel:	Email:
<b>4. Submitting Agency Responsibilities</b>		
[name, address, contact information]Suon Vichea]		

**II. Submission Information Summary**

<b>1. Task Name</b>	[Submitted by IA]Enhancing IP teaching and training
<b>2. End Use /Beneficiaries</b>	[Submitted by IA]relevant RGC ministries; institutions of higher learning
<b>3. Task Start Date</b>	Xx/yy/zz April, 2010
<b>4. Task End Date</b>	Xx/yy/zz September 2011
<b>5. Estimated Cost</b>	US\$ 110,000

<sup>1</sup> This information and responsibility would be confirmed officially before implementation

### III. Detailed Request

Please answer the following questions in the spaces provided.

#### 1. Problem to be Addressed and Objective of the Project (expand to about 1 1/2 pages in total)

a) What is the problem that you will address? Please elaborate the situation.

As a member of WTO, Cambodia has taken on a series of specific commitments to protect intellectual property. To this end, a number of IP laws have been adopted. Proper implementation and enforcement of these laws will require the development of the capacity to deal with a growing number of registrations, transactions and enforcement actions. In order to have an operational IP protection system, relevant government officials, including law enforcement officers, academics and representatives of the private sector must have enough knowledge and expertise to deal with their responsibilities. Qualified professionals in the field of IP play a fundamental role in enhancing the protection of intellectual property rights. Universities and IP agencies are the main institutions dispersing IP knowledge and training IP specialists, but they are presently not adequately equipped to do so. The absence of Khmer language documents is a major impediment: There are presently no Khmer language training materials available to government agencies. The major IP Agreements and Conventions have not been translated into Khmer, or have been translated poorly. IP terminology has not yet been completely standardized in the Khmer language.

b) Who is directly affected by this problem and how seriously are they affected?

All government agencies dealing with IP are hampered by inadequate numbers of trained personnel. This deficiency will grow as the demand for IP protection grows. Some education in IP is provided, for example by the Royal University of Law and Economics (RULE), but this is inadequate. Any attempts to expand IP training and education would be seriously hampered by a lack of Khmer language training materials.

c) What part of the problem will the project specifically attack?

The project seeks to assess the full extent of training needs throughout Cambodian government agencies and institutions of higher learning; to establish a mechanism for coordinating the development of curriculum by various institutions and agencies; and to provide Khmer language training materials including translated international IP agreements (in the process standardizing fully Khmer IP terminology).

d) How will the project have changed the targeted persons' (beneficiary) situation (in quantitative terms/ qualitative terms) when it is completed?

Government agencies and institutions of higher learning would have at their disposal a well thought-out curriculum for IP training and Khmer language materials suitable for

undertaking that training. Non-English reading Cambodians would have access to a wide range of IP legal documents.

e) Who else might be indirectly affected by the problem or benefit from a solution?

The ultimate beneficiaries are intellectual property rights owners and holders, who will see their fights better protected in Cambodia.

f). What other steps are you taking or are being taken to resolve the problem(s) you identify?

There are no other avenues for addressing these issues

## **2. Detailed and Concrete Actions to Be Taken**

a) What activities would you undertake to assist the beneficiaries as part of this project?

Please see Table 1 for detail on the activities.

- i. Assess capacities and needs in the area of IP training \_\_\_\_\_
- ii. Establish IP curricula and draft training materials in Khmer \_\_\_\_\_
- iii. Develop a cadre of individuals able to undertake the translation into Khmer of IP texts, and do some translations \_\_\_\_\_

b) What will be the “inputs” would you need to complete these activities? (Consultant? Workshop? Office and other supplies? Office support? Small equipment? ....)

- i. International consultants \_\_\_\_\_
- ii. Cambodian consultants \_\_\_\_\_
- iii. Workshops \_\_\_\_\_
- iv. \_\_\_\_\_

## **3. What additional assistance do you require in order to execute this project?**

- i. help in costing the project
- ii. advice on monitoring and evaluation



iii. advice on writing consultant terms of reference and technical specifications for goods and equipment

iv. guidance on project budget making and activity scheduling

v. other

(TABLE 1: Project Activities Summary)  
(Actions, Responsible Party, Inputs and Contribution)

(Activity)	(Party Responsible For Activity)	Type of "Input"	(Result of the Activity and Contribution to the Solution)
1.1. Survey of existing resources and needs for IP teaching/training	TBD	Consultant report	IP actors will have a draft text describing existing resources and needs
1.2. Consultations on the survey and on IP curricula	TBD	Workshop	The survey will be vetted and its existence made known to a wider audience; discussion of curricula will take place
1.3. Finalize survey; draft curricula	TBD	Consultant drafting	Survey is finalized; curricula are finalized
1.4. Draft IP training manual	TBD	Consultant drafting	Training materials in Khmer are produced
1.5. Train-the-trainers training	TBD	Workshop	A group of Cambodians able to provide IP training is created
1.6. Publish IP manual after approval by MinEd and IP committee	TBD	Printing and distribution	Training materials are available on a large scale
1.7. provide training to target groups	TBD	Workshops	Key target groups (lawyers, judges, customs officials) are trained on IP issues
2.1 Identify resource persons who could form an ad hoc translation group	TBD	Consultant survey	Individuals capable of translating IP texts are identified
2.1 produce lexicon of IP terminology, coordinating with activity 1.4	TBD	Local Consultants	IP terminology is standardized
2.2 establish an agenda for the translation of IP documents; translate the TRIPs Agreement and Paris Convention	TBD	Local consultants from IP translation group	Two key agreements are available in Khmer; an agenda for further translation is established
2.3 Translate 10 other important IP agreements and conventions	TBD	Local consultants from IP translation group	Important IP agreements become available in Khmer

(ADD MORE ACTIVITIES AND ROWS AS NEEDED)

(TABLE 2: Project Activities Summary) (Costs and Timing)

Activity (from Table 1)	Inputs For Activity (quantities and unit price)	(Estimated Cost of Input)	When will Input be Required? (month-year)
Activity 1.1	i. intern'l expert 10 days @800	\$8,000	April/May 2010
	ii Int'l expert per diem 14 days@125	\$1,750	April/May 2010
	iii int'l expert travel	\$3,000	April/May 2010
	iv national expert 15 days @300	\$4,500	April/May 2010
Activity 1.2	i. workshop 40participants@25 for 2 days	\$1760	April/May 2010
	ii. Interpretation@300	\$600	April/May
	iii Int'l Consultant 3 days at 800	\$2,400	April/May
	iv Int'l consultant per diem 4 days at 125	\$500	April/May
	v. National consultant 5 days at 300	\$1,500	April/May
Activity 1.3	i.Int'l consultant 8 days @ 800	\$6,400	May
	ii. National consultant 10 days@300	\$3,000	May
	iii translation 40pages @12	\$4,000	May
Activity 1.4	i. Int'l consultant 20days @800	\$16,000	June/July
	ii. National consultant 20 days @300	\$6,000	June/July
	iii translation 200 pages @12	\$2,400	July/August
Activity 1.5	i. workshop for 12 people @25 for 8 days	\$2,400	September/October
	ii interpretation @300 for 8 days	\$2,400	September/October
	iii. int'l consultant for 8 days @8,000	\$6,400	September/October
	iv int'l consultant travel	\$3,000	September/October
	v. int'l consultant per diem 8 days@125	\$1,000	September/October
	vi. national consultant 8 days @300	\$2,400	September/October
Activity 1.6	i publish manual and distribute	\$2,000	December
Activity 1.7	i. 4 workshops of 5 days each for 15 people	\$7,500	January/March 2011
	ii local consultants 40 days @300	\$1,200	January/March 2011
Activity 2.1	i. int'l consultant 4 days@800	\$3,200	June/July 2010
	ii. int'l consultant per diem 4 days @125	\$ 500	June/July
	iii national consultant 8 days @300	\$2,400	June/July

Activity 2.2	i. national consultants 8 days @300	\$2,400	September/October
	ii. Translation 100 pages@ 12	\$1,200	September/November
Activity 2.3	i. translation 800 pages @12	\$9,600	December2010/ April 2011

*(Please add rows as needed)*

(TABLE 3: Project Activities Cost Summary)  
From Table 2

Activity (from Table 1)	(Total Cost of Inputs by Activity)	(Timing of Activity)
Activity 1.1	\$17,250	April/May 2010
Activity 1.2	\$ 6,760	April/May
Activity 1.3	\$13,400	May
Activity 1.4	\$24,400	June/July
Activity 1.5	\$17,600	September/October
Activity 1.6	\$ 2,000	December
Activity 1.7	\$ 8,700	January/March 2011
Activity 2.1	\$ 6,100	June/July 2010
Activity 2.2	\$ 3,600	September/November
Activity 2.3	\$ 9,600	December 2010/January 2011
<b>(TOTAL PROJECT COST)</b>	\$109,410	

(TABLE 4. Project Inputs Cost Summary)  
From Table 2

Input Type (From Table 2)	(Quantity and Total Cost)	(Purchasing Arrangement)
1. Int'l consultant (53 days)	\$42,400	
2. Int'l travel (2 trips)	\$ 6,000	
3. per diems (30 days)	\$ 3,750	
4. local consultants (78 days)	\$23,400	
5. Workshops (6)	\$11,660	
6. interpretation (10 days)	\$ 3,000	
7. translation (1,433 pages)	\$17,200	
8. Publications	\$ 2,000	
<b>(TOTAL PROJECT COST)</b>	\$109,410	