

INSTITUTIONAL AGREEMENT

**Establishing a
Technology and Innovation Support Center (TISC)
Network in NIGERIA**

**THE NATIONAL FOCAL POINT
The Patents & Designs Registry, Commercial Law Department,
Federal Ministry of Industry, Trade & Investment, Abuja**

And

**UNIVERSITY OF PORT HARCOURT
RIVERS STATE, NIGERIA**

DATED : 18TH APRIL, 2023

PREAMBLE

Innovation plays a critical role in terms of the competitiveness of enterprises, in particular against the current background of globalization, as a part of which businesses are being called on to face ever-greater competition. Investment in innovation must, therefore, be treated as a priority issue by enterprises, universities, research centers and technical centers, and to contribute to the development of a knowledge-based economy, in which ideas and innovation are the principle sources of economic growth and competitive business advantage.

The establishment of the Technology and Innovation Support Center (TISC) Network forms part of the strategy for the promotion of innovation, scientific research and technology transfer.

Considering the crucial role played by scientific and technical information in the carrying-out of research and development, as well as in the innovation process and considering that the development of access to and sharing of scientific and technical information within research structures is key to business success;

Considering the tasks assigned to the Nigerian IP Office in terms of the dissemination of technological information in industry, business and academia, and awareness-raising concerning the appropriate use of industrial property, in particular patents, as a tool to foster research and development;

The aim of the Parties is to establish, via the present institutional agreement, a national TISC Network by means of which mechanisms the promotion of innovation shall be implemented and the foundations for innovation in Nigeria strengthened, in particular through:

- increased access to technical and scientific know-how;
- the provision of assistance to research bodies carrying out innovative work concerning the development and preservation of their heritage; and
- improved knowledge of the advantages of industrial property rights in general and information on patents in particular.

The following parties:

- THE NATIONAL FOCAL POINT – The Patents & Designs Registry,
Commercial Law Department, Federal Ministry of Industry, Trade &
Investment, Abuja,
And UNIVERSITY OF PORT-HARCOURT, RIVERS STATE

agree and decide the following:

ARTICLE 1: AIM OF THE CONVENTION

The aim of the present Convention is to define the procedures for the establishment of a Technology and Innovation Support Center (**TISC**) Network, with a view to ensuring that users have access to services tailored to their information technology needs.

This Convention sets out the task, composition and organization of the **TISC Network** and the conditions governing its implementation and management.

ARTICLE 2: OBJECTIVE OF THE NETWORK

The objective of the **TISC** Network is to ensure the technological development of enterprises and the development of research results.

The Technology and Innovation Support Center (**TISC**) Network shall:

- offer users search services for patent databases and other sources of technical information through direct personal assistance;
- identify technical issues in terms of enterprises and research topics within universities and research institutes;
- provide information on the state of the art in various technological fields;
- take part in awareness-raising activities concerning industrial property rights, in particular patents;
- participate in the development of research results; and
- identify opportunities in terms of technology transfer.

ARTICLE 3: SERVICES PROVIDED BY THE TISC NETWORK

The services provided by the **TISC** Network are designed according to a modular concept, with network and assistance and guidance services, which may be further strengthened depending on user needs.

a. Network services:

- i. **Thematic search:**
This service makes it possible to view the level of technical development reached within a given technological sector prior to any new development.
- ii. **Technology watch:**
This service makes it possible to monitor innovative activities in a given sector on a regular basis and/or to follow technical developments in potential sectors.
- iii. **Technological trends:**
This service allows users to identify at a given moment the technical fields that will become more important in the near future.

iv. **Patent map:**

Using this service, it is possible to create a patent map, produced through collection and analysis of information on patents relating to a specific technological field.

v. **Freedom to exploit:**

This service makes it possible to identify the patents in a given sector which are not protected in [country], or which have fallen into the public domain and which may be freely exploited.

vi. **Bibliographical search:**

Through this service, users are provided with the bibliographical data concerning patents, including in particular deposit and priority dates, patent numbers, names of patent holders and inventors, the classification of patents granted, information on the legal status of patents which allows users to find out whether protection is still in force or has been cancelled, information on patents and patent applications published outside of [country].

vii. **Statistics search:**

Through this service it is possible to analyze data contained in patent databases, in order to identify scientific and technological developments. The information obtained from this analysis may be used to highlight:

- the leading companies in terms of a specific technology and the intellectual property (IP) strategies they employ;
- the R&D strategy of potential actors in a given sector ; and
- the position of competitors in terms of a given technology.

viii. **Patent validity:**

Through this service it is possible to determine the geographical territory ~~covered by the protection offered by a patent~~, as well as its legal soundness in the case of a license to exploit a patent or the acquisition of or investment in a given technology.

ix. **Prior art search:**

Through this service it is possible to check whether an idea or invention is new and inventive and thus to determine whether it is worth filing a patent application (assessment of patentability criteria), as well as to gather ideas on how to draft patent applications.

x. **Patent infringement:**

Through this service it is possible to assess the risk of patent infringement prior to the development, manufacture and marketing of a product, with the aim of avoiding costly infringement claims.

b. Assistance and guidance services:

- Assistance in the search for scientific and technical information contained in free or commercial patent databases.
- Assistance in the search for technical information contained in free or commercial scientific and technical review (non-patent literature) databases.
- Guidance towards advisory tools concerning the innovation process as a whole, from the conception of an idea to the marketing of the product based on that idea.
- Guidance towards innovation protection tools, for example the use of patents.

ARTICLE 4: COMPOSITION AND ORGANIZATION OF THE NETWORK

The national **TISC** Network is made up of:

1. The National Focal Point which for Nigeria is the Patents & Designs Registry, Commercial Law Department, Federal Ministry of Industry, Trade & Investment, Abuja. The National Focal Point is responsible for the coordination of the national network.
2. Technology and Innovation Support Centers (TISCs) located in national institutions involved in supporting and developing innovation services.

ARTICLE 5: DUTIES OF THE NATIONAL FOCAL POINT

The National Focal Point (NFP) undertakes to:

- provide office support for the **TISC** Network;
- serve as an interface with the World Intellectual Property Organization (**WIPO**);
- organize, with the support of WIPO, information, awareness-raising and promotion activities involving technical and scientific information on the services provided by the TISC Network;
- promote the activities and services of the TISC Network during events of economic and commercial interest (fairs, fora etc.);
- coordinate and prepare the publication of an information bulletin on the activities of the **TISC** Network;
- design and create an Internet website specifically dedicated to the activities of the TISC Network and ensure that it is both maintained and updated;
- ensure the development of a means of communication for the members of the Network through the creation of a system that will eventually evolve into an extranet;
- prepare documents relating to the activities of the TISC Network for evaluation by the Monitoring Committee (see Article 8);

- prepare an annual report on the activities of the **TISC**;
- direct specific requests related to the services of host institutions as necessary;
- make the necessary working procedures and materials available to the staff of the host institutions, in order to allow them successfully to complete their tasks;
- coordinate the activities of the focal points.

ARTICLE 6: DUTIES OF THE HOST INSTITUTIONS:

- allocate sufficient staff to ensure that the focal point is operational on a permanent basis;
- to equip the office with at least one personal computer with an internet connection and printer;
- provide assistance for searching both free-of-charge and commercial patent databases;
- provide assistance for searching both free-of-charge and commercial scientific and technical journal (non-patent literature) databases;
- train local users in search strategies and techniques in using patent databases such as PATENTSCOPE, ESPACENET, etc.;
- provide general information in the area of industrial property;
- promote TISC services within the host institutions and related academic, industrial and business institutions;
- encourage enterprises to develop their innovations and creations;
- provide the NFP with quarterly activity reports.

The host institutions signatory to the present Convention may work together on the exchange of scientific and technological information within the framework of the objectives set for the TISC Network.

ARTICLE 7: TISC SERVICE FEES

The services provided by members of the TISC Network are available free of charge. However, TISCs may charge for those services which provide added-value, such as the drafting of analysis or monitoring reports, assistance in developing a business plan involving intellectual property rights, etc. Moreover, the provision of paper photocopies may also require payment.

Any decisions relating to payment for services shall be submitted to the TISC Network Monitoring Committee referred to in Article 8 for an opinion.

ARTICLE 8: MONITORING COMMITTEE

The Parties signatory to the present Convention shall agree to establish a Monitoring Committee, which shall carry out the following tasks:

- acquainting itself with and evaluating the activities presented by the TISC Network Secretariat;
- the examination and approval of any action programs proposed by the TISC Network Secretariat;
- the adoption of an annual report, compiled by the TISC Secretariat, taking stock of the activities carried out by the TISC focal points; and
- the examination of requests concerning accession or withdrawal, as stipulated in Articles 10 and 11.

Each Party signatory to the present Convention shall appoint a representative. The Monitoring Committee shall meet as often as necessary at the suggestion of the Secretariat or of a member of the Network, and at least twice a year.

ARTICLE 9: CONFIDENTIALITY

The members shall, unless otherwise stipulated, undertake to treat any documents and information as strictly confidential and to take all possible measures to ensure that said information is not disclosed to third parties, as well as to refrain from using said information for purposes other than those referred to in the Convention.

ARTICLE 10: ACCESSION

In addition to the members signatory to the present Convention, the Network may accept new members following the submission of a request for accession addressed to the NFP.

ARTICLE 11: WITHDRAWAL

Any member wishing to withdraw voluntarily from the TISC Network shall inform the NFP of that fact in a registered letter, with withdrawal being carried out three months from the date of notification.

ARTICLE 12: DISPUTES

The Parties to the Convention shall attempt to resolve any disputes in an amicable fashion. Where this is not possible, the TISC Network Monitoring Committee shall have the task of resolving the dispute or, where required, establishing an Arbitration Committee for that purpose.

ARTICLE 13: ENTRY INTO FORCE

The present Convention shall take effect as of the date of its signature by the Parties (see Annex), for an initial period of three (3) years. The Convention shall be automatically renewable and may be modified through the introduction of an additional clause, following a proposal by one of the Parties.

ANNEX: INSTITUTIONS COMPRISING THE NATIONAL TISC NETWORK

1) The National Focal Point: ..Patent & Designs Registry, Commercial Law Department, Federal Ministry of Industry, Trade & Investment, Abuja,

Name : **STELLA EZENDUKA (CHIEF REGISTRAR)**

Signature.....

Date..... 18/04/2023

2) The Host Institution : *University of Port Harcourt*
Signature.....*Muniratu Wajir Prof. I. M. Siminifalaye*
DVC R&D.

Date..... 18/04/2023