

TERMS OF REFERENCE

Job position:	International Expert in strategic development of the intellectual property area (industrial property, copyright and related rights)
Project Title	Drafting development concept for intellectual property area in the Republic of Kazakhstan and draft operational roadmap for the period from 2020 to 2025, and improving intellectual property competencies. №00119478
Type of Contract:	IC - Individual Contract
Duty station:	Field-based, Nur-Sultan, Kazakhstan
Duration of Initial Contract:	40 working days (February-April 2020)

A. Background

The United Nations Development Programme (UNDP) works in more than 170 countries and territories, helping to achieve the eradication of poverty, and the reduction of inequalities and exclusion. UNDP helps countries to develop policies, leadership skills, partnering abilities, institutional capabilities and builds resilience in order to sustain development skills.

UNDP supports Kazakhstan's aspiration to enter the ranks of 30 most competitive nations in the world by assisting in most critical reform areas, including inter alia in Justice Sector.

Kazakhstan undertakes consistent measures to decentralise and simplify the regulatory functions, including in the area of intellectual property (IP) rights. It aims to maintain a role of reliable international actor, for which major international instruments in the IP area have been signed, relevant legislation has been amended, but no strategy on how to further develop this area is formulated. Current challenges and further development of science and technology set the task to bring the intellectual property rights protection to the next level, and improve the proficiency level, knowledge and skills of specialists conducting examination of applications for titles of protection in accordance with international principles and standards.

Within the World Bank Kazakhstan Justice Sector Institutional Strengthening Project, UNDP has been requested to render technical assistance in drafting Development Concept for Intellectual Property Area in the Republic of Kazakhstan (Development Concept) and Operational Roadmap for the Period from 2020 to 2025 and improving intellectual property competencies.

Under the direct supervision of the Team Leader/Head of Governance Unit the Expert shall provide his/her knowledge and expertise in the IP area to contribute to the deliverables of a project team.

B. Scope of Work/ Functions

Under the supervision of the Team Leader, the Expert is requested to:

1. In collaboration with the national expert, analyse the IP area (industrial property, copyright and related rights) in Kazakhstan, including legal framework, activity of IP actors, issues of inventive and innovative activities, including the commercialization of intellectual property, implementation and court practice, and identify key, systemic gaps, trends and challenges;
2. Review analytical materials in the IP area (industrial property, copyright and related rights) submitted/ available;
3. Analyse level of fulfilment of international obligations under the international treaties in the IP area (industrial property, copyright and related rights), including participation in relevant international organisations;
4. In collaboration with the national expert, analyse the national planning system applicable for the strategic document drafting,
5. Draft the Development Concept and the Roadmap in accordance with national requirements, including the following:
 - a description of problem issues in IP area;
 - strategic areas of IP development and their key achievement indicators, in particular, in terms of protection, commercialization and enhancement of innovation potential;
 - general and detailed recommendations on modernization of IP area;
 - a scenario for improvement of IP area and solutions of identified problems;

- in collaboration with national expert, resources (human, material, etc.) required to achieve the target indicators;
 - a map of existing and potential risks for the implementation of the Concept with their detailed description;
 - individual activities required for the implementation of the Development Concept with target indicators;
 - a calendar schedule for the implementation of the planned activities;
 - the form of their implementation;
 - in collaboration with the national expert, the financial and human resources needs;
 - a periodic performance assessment.
6. Participate in consultations on the Development Concept and the Roadmap with the state bodies and organisations (to be arranged by the Team Leader and/or UNDP), discussing the draft Development Concept and the Roadmap structure and content, providing expert opinions on issues discussed, responding to questions raised with relevant justifications in the requested format (written, oral), collecting comments and suggestions of the Ministry of Justice (MoJ) and/or other stakeholders.
 7. Participate in not more than two events on discussion of the Development Concept and the Roadmap by delivering a presentation of the Development Concept and the Roadmap as well as analytical summary of comments and suggestions received from the MoJ and the stakeholders;
 8. Finalise the Roadmap by making amendments and additions in accordance with the comments and recommendations, within the framework of the received international organization's opinion (if any).

C. Expected Outcomes and Deliverables

The Expert is expected to provide monthly reports that contain performance status of the above-mentioned functions.

No.	Deliverables/ Outputs	Indicator	Deadline	Review and Approvals Required
1	First progress report	<ol style="list-style-type: none"> 1) List of meetings participated; 2) Minutes of the one-to-one meetings; 3) Analytical report on IP area (industrial property, copyright and related rights) in Kazakhstan; 4) Initial findings and comments on the reviewed materials; 5) Analytical report on international obligations fulfilment in the IP area (industrial property, copyright and related rights); 6) Draft of the Development Concept. 	28 February 2020	Team Leader, Head of Governance Unit
2	Second progress report	<ol style="list-style-type: none"> 1) List of meetings participated; 2) Minutes of the one-to-one meetings; 3) Collection of comments and suggestions on the draft Development Concept. 	23 March 2020	Team Leader, Head of Governance Unit
3	Final report	<ol style="list-style-type: none"> 1) Final Draft of the Development Concept; 2) Presentation of the Development Concept (PPP); 3) Analytical summary of comments and suggestions related to the Development Concept. 	6 April 2020	Team Leader, Head of Governance Unit

D. Institutional arrangements

UNDP will sign the contract with an International Expert in accordance with the approved UNDP recruitment procedures for an individual contract. Payment for services will be made from the Project funds with satisfactory discharge of duties and achievement of results. The results of the work shall be approved by the Project Manager and by the UNDP Head of Governance Unit.

- The international expert will work under the direct supervision of the Project Manager and UNDP Head of Governance Unit;
- The international expert is responsible for the quality and timely submission of the deliverables;
- The international expert ensures timely and rational planning, implementation of activities and achievement of results in accordance with the Terms of Reference;
- The international expert provides the results of work in accordance with clause C of this Terms of Reference;
- The international expert should provide report in electronic form in MS Word format in English.

E. Duration of the assignment

The Expert is expected to devote 40 (forty) working days to complete this assignment. This assignment is expected to commence immediately after signing the contract, approximately on February 17, 2020 and shall continue until April 30, 2020 unless terminated by either party in accordance with the **General conditions of Individual Contract**.

F. Duty station

The Expert is expected to work in Nur-Sultan, Kazakhstan. The Expert should also attend meetings and events with the relevant UNDP personnel, the MoJ and other stakeholders as advised by the Team Leader.

G. Required Skills and Experience

- Law degree, LL.M or Master's degree in law; PhD will be an advantage;
- At least 7 (seven) years of international work experience in the development of strategy and policy documents in the area of intellectual property protection (industrial property, copyright and related rights) in OECD countries and (or) OECD structures and (or) the EU;
- At least 3 (three) years of practical experience in intellectual property disputes resolution is preferable;
- Experience in rendering similar consulting services indicated in these Terms of Reference;
- Experience in cooperation with the World Intellectual Property Organization and/or other similar international organizations in the intellectual property area is preferable;
- Experience of participation in reforms in the specified areas is preferable;
- Knowledge of international regulatory and legal frameworks in the intellectual property (industrial property, copyright and related rights) area;
- Knowledge of the English language is mandatory, knowledge of the Russian language is considered an advantage.

H. Competencies

Corporate competencies:

- demonstrate integrity by modelling the UN's values and ethical standards;
- promotes the vision, mission and strategic goals of UNDP;
- displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- treats all people fairly without favouritism;
- fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

Functional competencies:

- excellent analytical and research skills;
- excellent drafting skills;
- ability to grasp the development context/ challenges in the country;
- strong interpersonal skills, communication and diplomatic skills;
- strong facilitation, presentation and public speaking skills;
- ability to work under pressure and tight deadlines.

I. Financial proposal

The financial proposal shall specify a total lump sum amount consisting of professional fees and payment terms around specific and measurable (qualitative and quantitative) deliverables (i.e. whether payments fall in instalments or upon completion of the entire contract). Payments are based upon output, i.e. upon delivery of the services specified in the TOR. In order to assist the requesting unit in the comparison of financial proposals, the financial proposal will include a breakdown of this lump sum amount (including travel, per diems*, and number of anticipated working days).

J. Recommended Presentation of application

The following documents in **PDF** to be attached to the Offer (maximum size 9Mb per one transmission) should be sent to procurement.kz@undp.org indicating **Ref.2020-005** in the e-mail subject ***not later than 14.00 (Nur-Sultan time) 06 February 2020:***

- Duly accomplished Letter of Confirmation of Interest and Availability; Financial Proposal that indicates the all-inclusive fixed total contract price, supported by a breakdown of costs, as per template provided;
- Detailed CV, indicating all past experience from similar projects, as well as the contact details (email and telephone number) of the Candidate;
- Other documents certifying the work experience, expertise and skills (qualification improvement certificates\diplomas, awards, etc.).

There should be max 3 e-mail transmissions. Please indicate **Ref-2020-005** in the e-mail subject and the e-mail order.

K. Evaluation of Applicants

Individual contractor will be evaluated based on a Combined Scoring Method taking into consideration the combination of the applicant's qualifications and financial proposal.

The award of the contract should be made to the individual contractor whose offer has been evaluated and determined as:

- Responsive/ compliant/ acceptable; and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation,
- Technical criteria weight (70%);
- Financial Criteria weight (30%).

* Only candidates who meet the following minimum requirements will be shortlisted for technical evaluation:

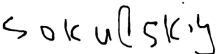
- Higher education in law;
- International work experience in the area of intellectual property in OECD countries;
- Knowledge of the English language is mandatory.

* Only the highest ranked candidates who received a score of at least 350 points (70%) upon the result of the technical evaluation will be admitted to the financial assessment.

Minimal Technical Criteria	Weight, %	Min pass points	Max. points
Law degree, LL.M or Master's degree in law; PhD will be an advantage	10%	35	50
At least 7 (seven) years of international work experience in the development of strategy and policy documents in the area of intellectual property protection (industrial property, copyright and related rights) in OECD countries and (or) OECD structures and (or) the EU	20%	70	100
At least 3 (three) years of practical experience in intellectual property disputes resolution is preferable	10%	35	50
Experience in rendering similar consulting services indicated in this Terms of Reference or/and Experience of participation in reforms in the specified areas is preferable	15%	52.5	75
Experience in cooperation with the World Intellectual Property Organization and/or other similar international organizations in the intellectual property area is preferable	10%	35	50
Knowledge of international regulatory and legal frameworks in the intellectual property (copyright and related rights) area	10%	35	50
Knowledge of the Russian language is considered an advantage	5%	17.5	25
The results of the interview with the evaluation committee for this competition	20%	70	100
TOTAL	100%	350	500

Approved by:**Konstantin Sokulskiy,**

UNDP Head of Governance Head

Signature: 

Date: 22-Jan-2020