

TERMS OF REFERENCE

Job position:	National Expert in strategic development of the intellectual property area
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:	Individual Contract
Duty station:	Nur-Sultan, Kazakhstan
Duration of Initial Contract:	60 working days (February-May 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 (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 (Roadmap), and improving intellectual property competencies.

Under the direct supervision of the Team Leader/Head of Governance Unit the National 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/Head of Governance Unit, the National Expert is requested to:

1. Analyse the IP area 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. Analyse current legislation on IP protection and its application practice;
3. in collaboration with international experts, elaborate and formulate main elements of the Development Concept:
 - a description of problems 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 international 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;

- in collaboration with international expert, analyse the national planning system applicable to the development of a draft strategic document.
4. Review analytical materials in the IP area submitted/ available;
 5. Support international experts in analysing the level of fulfilment of international obligations under the international treaties in the IP area, including participation in relevant international organisations;
 6. Analyse the national planning system applicable for the strategic document drafting; advise international experts on national legal requirements related to drafting the Development Concept and the Roadmap;
 7. Support international experts in drafting the Development Concept and the Roadmap.
 8. 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 of the Republic of Kazakhstan (MoJ) and/or other stakeholders, taking minutes of meetings/ finalising them.
 9. Participate in not more than two events on discussion of the Development Concept and the Roadmap by supporting preparation of a presentation of the Development Concept and the Roadmap and of analytical summary of comments and suggestions received from the MoJ and the stakeholders.
 10. Assist in finalising the Development Concept and the Roadmap.
 11. Assist in communicating with IP experts when discussing agendas and content of trainings organised within the Project.
 12. Finalise the Development Concept by making amendments and additions in accordance with the comments and recommendations, within the framework of the received international organization's opinion (if any).
 13. Provide translation/ interpretation when requested.

C. Expected Outcomes and Deliverables

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

No.	Deliverables/ Outputs	Estimated duration to complete	Indicator	Deadline	Review and Approvals Required
1	First progress report	20 working days	1) List of meetings participated; 2) Minutes of all meetings; 3) Analytical report on IP area in Kazakhstan; 4) Analytical report on current legislation on IP protection and its application practice; 5) Initial findings and comments on the reviewed materials; 6) Memo on legal requirements and draft template of the Development Concept and the Roadmap.	10 March 2020	Team Leader, Head of Governance Unit
2	Second progress report	20 working days	1) List of meetings participated; 2) Minutes of all meetings; 3) Collection of comments and suggestions on draft Development Concept and draft Roadmap.	10 April 2020	Team Leader, Head of Governance Unit
3	Final report	20 working days	1) Summary of support in finalising the Development Concept and the Roadmap. 2) Summary of assistance in organisation of trainings	20 May 2020	Team Leader, Head of Governance Unit

D. Institutional arrangements

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

E. Duration of the assignment

The National Expert is expected to devote 60 (sixty) working days to complete this assignment. This assignment is expected to commence on February 17, 2020 and shall continue until May 30, 2020 unless terminated by either party in accordance with the **General conditions of Individual Contract**.

F. Duty station

Home-based. The Expert is expected to base in Nur-Sultan, Kazakhstan.

G. 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.

H. Required Skills and Experience

- law degree, LL.M or Master's degree in law;
- at least 5 (five) years of professional work experience in rulemaking or in development of strategy and policy documents of the state planning system of the Republic of Kazakhstan;
- knowledge of national legislation on intellectual property;
- knowledge of international regulatory framework in intellectual property area is preferable;
- experience of participation in reforms in the specified area is preferable;
- fluency in Russian and English is mandatory, knowledge of Kazakh is preferable.

I. 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 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.

Min Technical Criteria	Weight, %	Min pass points	Max. points
Law degree, LL.M or Master's degree in law	15%	52,5	75
At least 5 (five) years of professional work experience in rulemaking or in development of strategy and policy documents of the state planning system of the Republic of Kazakhstan;	20%	70	100
Knowledge of national legislation on intellectual property	15%	52,5	75
Knowledge of international regulatory framework in intellectual property area is preferable	10%	35	50
Experience of participation in reforms in the specified area is preferable	10%	35	50
Knowledge of Russian and English is mandatory, knowledge of Kazakh is preferable	10%	35	50
Interview	20%	70	100

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.2020-006** in the e-mail subject **not later than 15.00 (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-2020-006 in the e-mail subject and the e-mail order.

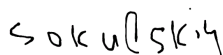
K. Financial proposal

The financial proposal in KZT 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 number of anticipated working days and other costs necessary for TOR implementation).

Approved by:

Konstantin Sokulskiy,

UNDP Head of Governance Head

Signature: 

Date: 22-Jan-2020