



REQUEST FOR EXPRESSIONS OF INTEREST

for the selection of an Individual Consultant for the assessment of national, and regional Intellectual Property rights issues related to innovative projects in the field of circular economy in the African and Indian Ocean Developing Island States (AIODIS).

1. The Indian Ocean Commission (IOC) is an intergovernmental regional cooperation organization which brings together the Union of the Comoros, France, on behalf of Réunion, Madagascar, Mauritius and Seychelles. Its mission is to strengthen the bonds of friendship and solidarity between peoples and to contribute through regional cooperation to the sustainable development of its member states. The IOC has received a grant from the World Bank to support the SWIOFish regional project. It intends to use part of this grant to make payments under the Individual Consultant contract " for the assessment of national, and regional Intellectual Property rights issues related to innovative projects in the field of circular economy in the African and Indian Ocean Developing Island States (AIODIS)".
2. The Consultant's mission is to assess the Intellectual Property issues related to innovative projects in the field of circular economy in the AIODIS.
3. The mission will be carried out in the AIODIS member countries.
4. The Consultant will work under the supervision of the Indian Ocean Commission.
5. The estimated duration for carrying out this mission is one seventy-five person days spread over five months.
6. The Indian Ocean Commission (IOC) now invites eligible consultants to express their interest in providing the services described above. They must provide information justifying that they are able to implement the necessary expertise and perform the services in question (curriculum vitae, copies of diplomas and attestations, references concerning the performance of similar contracts, etc.).
7. A version of the terms of reference is available on the website of the Indian Ocean Commission <https://www.commissionoceanindien.org/sw2-y3-c016-request-for-expression-of-interests-the-selection-of-an-individual-consultant-for-the-assessment-of-national-and-regional-intellectual-property-rights-issues-related-to-innovative-pro/>
8. Expressions of interest must be filed electronically in uncompressed format at the address below no later than Tuesday, May 19th, 2020 at 16:30 (Mauritius time UTC+4):

e-mail: innocent.miada@coi-ioc.org and njiva.r@coi-ioc.org

Reference: " (SW2/Y3-C016) assessment of national, and regional Intellectual Property rights issues "
9. Individual Consultants will be selected in accordance with the procedures set out in the Guidelines Selection and Employment of Consultants under IBRD loans and IDA credits & Grants by World Bank Borrowers edition January 2011 Revised July 2014.
10. The individual consultants concerned may obtain further information during working hours at 9:00 to 16:00 (Mauritius time UTC+4) from the Indian Ocean Commission (IOC) by sending e-mails to the addresses referred in paragraph 8.



Promotion of African & Indian Ocean Island Developing States Blue Economy through the South West Indian Ocean Fisheries Governance and Shared Growth Project (SWIOFish2)

Terms of reference for the recruitment of an individual consultant for the assessment of national, and regional Intellectual Property rights issues related to innovative projects in the field of circular economy in the African and Indian Ocean Developing Island States (AIODIS)

Assignment title	Consultancy on Assessment of Intellectual Property issues related to innovative projects in the field of circular economy in the African and Indian Ocean Developing Island States (AIODIS)
Contract duration	75 person days over 5 months (June – October 2020))
Primary assignment location	African and Indian Ocean Developing Island States (Cabo Verde, Guinea Bissau, São Tomé & Príncipe, Comoros, Mauritius, Madagascar, Maldives and Seychelles)
Financed by	IDA

1. Background

A Financing Agreement (Grant No. D1720) was signed between the International Development Association (IDA) and the Indian Ocean Commission (IOC) on the 30th May 2017 to support the Second South West Indian Ocean Fisheries Governance and Shared Growth Project (SWIOFish2).

This consultancy is in the context of the implementation of the subcomponent of the project that supports the African and Indian Ocean Developing Island States (AIODIS).

The AIODIS sub-component of SWIOFish2

The sub-component will support the group of African and Indian Ocean Island Developing States (Cabo Verde, Guinea Bissau, São Tomé & Príncipe, Comoros, Mauritius, Madagascar, Maldives and Seychelles) in collaborating and sharing their own experiences to address some of their specific challenges such as improving the sustainable management of their vast maritime territory; innovating and developing their Blue Economy in the context of climate change; and collaboratively mobilizing financing for addressing those challenges. Activities include the organization of high-level meetings to discuss specific challenges and issues of regional interest; the creation and exchange of knowledge; the provision of a preparation facility for project proposal; and support to the AIODIS Secretariat to be hosted by the IOC.

The relationship between Circular Economy (CE) and Intellectual Property (IP) is complex. The CE paradigm has changed the perception of economic growth which implies that new growth opportunities are more important than growth levels. The adequate usage of IP is essential for unlocking innovation and accelerating diffusion processes, thereby facilitating sustainability transitions on a global scale. IP can both support and limit CE.

Research and innovation are essential components of circular economy, which create value through the cascading use, reuse and recycling of resources. Implementing CE involves innovation that leads to revisiting classical business models. Entrepreneurs and researchers in the AIODIS need to be provided with an adequate framework that would not only protect their innovative ideas while encouraging the diffusion process.

Innovation as a constraint to circular economy: One of the reasons customers desire new products is that these incorporate improved technologies and designs. Even if a product, such as a washing machine, is designed to be updated with new sensors and software in the foreseeable future, major technological advances are rarely foreseeable. Older products become less attractive due to technological speed. Locking in product lifecycles would restrict the introduction of substantially improved, disruptive technologies and decrease the competitive market forces that drive their development.

Quite a few products used nowadays may be replaced by distinctly different solutions long before their specially designed, extended-life versions are meant to be recycled. (Will the current smart phones or tablets still be necessary five years from now?)

The technological barriers include, among others, the limited attention for end-of-life-phase in current product designs, limited availability and quality of recycling material, new challenges to separate the bio- from the techno cycle and linear technologies are deeply rooted.

IP as a constraint to promotion of circular economy: Obstacles for a transition to a circular economy lie in fragmented knowledge management: the lack of an information exchange system, the lack of coherent training and skill development and the lack of knowledge within businesses, and the poor dissemination of that knowledge amongst stakeholders. Also, there is limited information and know-how to stimulate an increase in co-operation in the supply chain. And that's how something like Intellectual Property can strangle the circular economy. Information and innovation are the currency of circularity but sharing either with independent businesses is not something that manufacturers have been willing to do. It is common practice for well established companies not to release their internal service manuals or sell replacement parts to the public, to independent repair technicians, or to unaffiliated recyclers and refurbishers, even though that information would certainly help to close the loop. Likewise, in 2012, Nikon USA stopped selling replacement parts to camera repair shops that weren't inside their circle of "authorised" repairers. Their decision to do so has impacted countless small businesses, stifled competition, and given Nikon a monopoly over the aftermarket of their products. Such a situation has become widespread in all spheres of business.

Those policies might seem good for manufacturers in the short run but building walls around products — around Intellectual Property — is self-defeating. Apple could make hundreds of millions if it sold replacement parts to the public, just as BMW could certainly find a wider market for their proprietary tools. And, as the price of raw materials continues to skyrocket, working hand in hand with the small businesses that already process their products just might mean manufacturers would be able to reclaim the materials they need for remanufacturing.

Addressing market failure with respect to IP and promotion of circular economy: Imagine how much more manufacturers could accomplish if they worked with the open market, instead of against it. The market opportunity is immense in providing tools and services to the thousands of small businesses that specialise in reuse, refurbishment, repair, and recycling. An inclusive ecosystem is the best shot we have at closing the loop. Without them, we will not reach the economies of scale that the circular economy needs.

For the transition towards circular economy, it is critical that new breakthroughs in materials and product design rapidly find their way into the mass market. To optimize global supply chains, smart infrastructure and tracking technology will need to spread across the emerging economies and other developing countries. In a world with sustained, high resource prices, the management of resource flows is likely to increase the importance of protecting Intellectual Property related to resource efficiency. In addition, practical arrangements will be needed for the shared Intellectual Property arising from multi-partner activities.

Developing countries should be encouraged to design their IP systems that developed countries enjoyed in earlier stages of their own development. The imposition of IP standards on the developing countries such as the AIODIS and the impact of IP standards on development should be assessed. It should be ensured that the global IP systems evolve so that they contribute to growth of the developing countries, by stimulating innovation and technology transfer relevant to them, while also making available the products of technology at the most competitive prices possible. Instead of hindering, IP system should facilitate the application of progress in science and technology for the benefit of the developing world.

As the price of raw materials continues to increase, it is imperative to create an environment where large companies are encouraged to work hand in hand with the small businesses that already process their products and recycle their wastes. Compelling companies to take back the used products as it has been initiated in UK can constitute such a strategy.

Large manufacturers could accomplish more if they worked with a sufficiently open market, instead of against it. The market opportunity is immense in providing tools and services to small businesses that specialise in reuse, refurbishment, repair, and recycling.

As the sharing economy is progressing, IPRs are in a constant state of evolution. Technology, platforms and legal frameworks are evolving to enable businesses to share innovations while still retaining the value of their underlying IP.

One important factor to remember is that the AIODIS are not a homogenous group, and there are significant differences among this group of eight islands. These islands vary greatly in size, natural resource endowment, economic structures, levels of socioeconomic and technological development, and cultures and political systems. The diversity among the islands raises questions about their belonging to a group when addressing policy issues. Nevertheless, there are certain key socioeconomic and geopolitical characteristics that unify this group of islands. These include their small size (Madagascar being a very small economy), their high vulnerability to external factors and their difficulty in achieving economies of scale. These common characteristics are especially relevant for a discussion on IPR and circular economy.

2. Objective of the Consultancy

The objective of this consultancy is to assess the Intellectual Property issues related to innovative projects in the field of circular economy in the AIODIS.

The specific tasks of the consultancy are:

- i) To undertake a review of relevant best practices with respect to innovation and IP worldwide in the field of circular economy
- ii) To map out the current level of innovation and IP related to circular economy and conduct a SWOT analysis in the AIODIS, mapping the underlying factors such as funding and regulatory and institutional frameworks in the AIODIS
- iii) To identify the barriers to innovation and diffusion in AIODIS
- iv) To make recommendations for establishment of clear IP regulations and measures in the AIODIS countries with a view to promoting circular economy

The consultant will also act as resource person during a validation workshop to be held in September 2020 for the validation of the draft report submitted by the consultant well before the validation workshop to AIODIS.

3. Deliverables

The main deliverables of the consultancy are:

- i) Inception Report, inclusive of a programme of work and methodology to be used.
- ii) A draft report on tasks as stated in section 2.

- iii) A report of the Validation Workshop
- iv) Final Report, including an Executive Summary at the end of the assignment, in which the comments from participants of the validation workshop and other stakeholders on the above draft report have been incorporated.

4. Duration

The level of effort required for the completion of the tasks should not exceed a total of seventy-five (75) person days, including travel in the AIODIS, over a period of five months. The assignment is expected to start in June 2020 and be completed by October 2020.

Activity	Timing / Deadline
Advert for post	April 2020
Evaluation	May2020
Start of contract	June 2020
Validation workshop	September 2020
Submission of final report. End of contract	October 2020

5. Supervision Responsibility

The consultant shall report to the Officer in Charge for AIODIS via the SWIOFISH2 Coordinator based at the Indian Ocean Commission, throughout the duration of the project and shall maintain constant liaison with them to discuss on matters pertaining to progress of works as well as for eventual claims for payment.

The SWIOFISH2 Coordinator will facilitate networking of key experts with the AIODIS National Focal Points in order to ensure that the consultant’s mission in the AIODIS is productive.

7. Qualification and experiences

The consultant should be an IPR specialist. The consultant should possess at least 10 years of demonstrated skills and proven experience in the domain.

The consultant will work together with the IOC to implement the work plan for the successful conclusion of the tasks as detailed above.

The consultant should have the following qualifications and skills:

- Master’s degree or equivalent in economics or a related discipline;
- At least 10 years of demonstrable experience working on projects on IP, R&D and innovation and economic development projects.
- Proven track record of delivery or management of multi-party collaborative projects involving one or more of the following: business analysis / modelling; drafting and publication of white-papers/strategies or other forms of thought-leadership; with focus on IP issues.
- Strong report writing and analytical skills;

- Experience in working with high-level stakeholders and in an international environment;
- Demonstrated experience working with World Bank and/or IOC projects would be an advantage;
- Extra credit for experience in south western Indian Ocean region and Small Islands Developing States
- Good communications skills both written and spoken with full proficiency in English.
- Knowledge of French and Portuguese will be an advantage.

6. Payment schedule

- 30% - Upon submission and approval of an Inception (work) Plan inclusive of a programme of work (within 2 weeks of start of assignment)
- 30% - Upon submission and approval of a first draft of the report (after the workshop).
- 40% - Upon approval of final version of the of the report.