



PERFORMANCE AGREEMENT

BETWEEN

Secretary and Director General

**DEPARTMENT OF INTELLECTUAL PROPERTY
MINISTRY OF ECONOMIC AFFAIRS**

(July 1, 2017 – June 30, 2018)

TABLE OF CONTENTS

Section 1: Vision, Mission and Objectives

Section 2: Objectives, Actions, Success Indicators and Target

Section 3: Trend Values of Success Indicators

Section 4: Description and Measurement of Success Indicators.

Section 5: Requirements from other Departments & Secretariat Divisions

Preamble

The Performance Agreement is entered into between the Secretary and Director General, Department Of Intellectual Property.

The objectives of this Performance Agreement are:

a) To establish clarity and consensus about annual priorities for the Department Of Intellectual Property consistent with the 11th Five Year Plan of the Ministry, and Governments other priorities;

b) To provide an objective and fair basis for evaluating the overall performance of the Department Of Intellectual Property at the end of the financial year

The Performance Agreement represents an important accountability mechanism for inculcating a performance based culture at all levels of government.

THEREFORE, the parties hereto agree as follows:

Section 1: Vision, Mission and Objectives

Vision

To use the intellectual property protection system as a stimulus for the social, cultural, technological and economic growth of the country.

Mission

To establish a comprehensive well-balanced and effective system for the protection and enforcement of intellectual property rights.

Objectives

- 1) To enhance enabling environment
- 2) To enhance effectiveness and efficiency of public service delivery
- 3) To enhance awareness on Intellectual Property
- 4) To increase contribution to GDP, Revenue and Employment
- 5) To enable effective and efficient ICT Service delivery

- 6) Implement National Integrity and Anti-Corruption Strategy (NIACS)

- 7) To ensure full utilization of Budget

Section 2: Objectives, Success Indicators & Target

Objective	Weight	Action	Success Indicator	Unit	Weight	Excellent [100%]	Very Good [90%]	Good [80%]	Fair [70%]	Poor [60%]
To enhance enabling environment	23	Tendering and floating of consultancy services on carrying out Preliminary National Interest Analysis (PNIA) study on the feasibility of joining the Hague Agreement	Status of work progress on tendering and floating of consultancy services on carrying out Preliminary National Interest Analysis (PNIA) study and a draft PNIA report on the feasibility of joining the Hague Agreement completed	Status of Work	5	Draft PNIA study report completed	Report on stakeholder consultation completed	NIT floated, contract signed and awarded	SBD and TOR finalized	Work not initiated
		Float tender and award work for consultancy service to prepare Preliminary national interest analysis (PNIA) on the feasibility study for joining the WIPO Internet Treaties (WCT & WPPT)	Status of work progress on preparation of tender documents, TOR finalization, floating NIT and award of work completed	Status of Work	5	Work awarded	NIT (notice Inviting Tender) floated	Tender documents finalized	TOR finalized	Work not initiated
		Seek MoFA clearance and initiate feasibility study on joining Patent Cooperation Treaty (PCT)	Political clearance from the Ministry of Foreign Affairs (MoFA) sought and the feasibility study initiated	Status of Work	5	Preliminary stakeholder consultation held and study initiated	NIT floated, contract awarded and signed	SBD and TOR finalized	MoFA clearance sought	Desk study completed
		Draft National Intellectual Property Policy submitted to the Cabinet	Timeline by which draft National IP Policy is submitted to the Cabinet.	Date	8	02/28/2018	03/31/2018	04/30/2018	05/31/2018	06/30/2018

To enhance effectiveness and efficiency of public service delivery	24	Process IP applications	Number of Trademark applications processed	Number	6	700	600	500	400	300
			Number of Industrial Design applications processed	Number	6	4	3	2	1	0
			Number of Patent applications processed	Number	6	4	3	2	1	0
			Number of Copyright applications processed	Number	6	5	4	3	2	1
To enhance awareness on Intellectual Property	28	Establishment of TISCs centers in identified institutions	Number of TISC centers established	Number	5	2	-	-	-	1
		Annual report published	Develop and publish an annual report	Status of Work	7	Report published	Report finalized but not published	Draft report completed	Incomplete report	Work not initiated
		Enhance the use of Intellectual Property	Number of tailor-made/focused programs implemented	Number	8	2	-	-	-	1
		Celebrate World IP Day/Conduct awareness workshops	Number of participants covered	Number	8	200	150	100	50	30
To increase contribution to GDP, Revenue and Employment	10	Contribution to revenue/GDP through enhanced generation of revenue from registration of IP	Generate revenue from IP registration services	Nu. (Million)	10	8.5	8.0	7.0	6.0	5.0

To enable effective and efficient ICT Service delivery	2	Ensure compliance to e-GIF standards	Percentage compliance to e-GIF standards	Percent	1	100	-	-	-	less than 100
		Enhance basic ICT skills of non ICT staff members.	Percentage of non ICT staff trained.	Percent	1	50	45	40	35	30
Implement National Integrity and Anti-Corruption Strategy (NIACS)	8	Conduct face to face sensitization program on Ethics and Integrity Tools by concerned TOT participants (Gift Rules & its management, Asset Declaration Rules & its management, Conflicts of Interest Declaration & its management, Code of Conduct and Grievance Redress Mechanism)	Percentage of employees sensitized on: - Gifts, Conflicts of Interest, Code of Conduct, Asset Declaration and Grievance Redress Mechanism	Percent	2	Above 90	89 - 80	79 - 70	69 - 60	59 and below
		All eligible officials declare asset on time.	Percentage of employees who have declared asset on time	Percent	6	91 - 100	81 - 90	71 - 80	61 - 70	<60
To ensure full utilization of Budget	5	Ensure annual budget utilization	Percentage of annual budget utilization	Percent	5	100	-	-	-	less than 100

Section 3: Trend values of success indicators

Objective	Action	Success Indicator1	Unit	Actual Values [FY 2013-14]	Actual Values [FY 2014-15]	Target Values [FY 2015-16]	Projected Values [FY 2016-17]	Projected Values [FY 2017-18]
Implement National Integrity and Anti-Corruption Strategy (NIACS)	All eligible officials declare asset on time.	Percentage of employees who have declared asset on time	Percent	100	100	100	100	100
	Conduct face to face sensitization program on Ethics and Integrity Tools by concerned TOT participants (Gift Rules & its management, Asset Declaration Rules & its management, Conflicts of Interest Declaration & its management, Code of Conduct and Grievance Redress Mechanism)	Percentage of employees sensitized on: - Gifts, Conflicts of Interest, Code of Conduct, Asset Declaration and Grievance Redress Mechanism	Percent	NA	NA	NA	NA	NA
To enable effective and efficient ICT Service delivery	Enhance basic ICT skills of non ICT staff members.	Percentage of non ICT staff trained.	Percent	NA	NA	NA	NA	50
	Ensure compliance to e-GIF standards	Percentage compliance to e-GIF standards	Percent	NA	NA	NA	NA	100

To enhance awareness on Intellectual Property	Annual report published	Develop and publish an annual report	Status of Work	NA	NA	NA	NA	Annual report published
	Celebrate World IP Day/Conduct awareness workshops	Number of participants covered	Number	250	300	350	400	200
	Enhance the use of Intellectual Property	Number of tailor-made/focused programs implemented	Number	0	0	1	2	2
	Establishment of TISCs centers in identified institutions	Number of TISC centers established	Number	Create awareness on IPRs and TISCs to stakeholders	Conduct consultative workshop on TISCs to stakeholders	Conduct National Workshop for stakeholders in collaboration with WIPO	Compile stakeholders' decisions on setting up TISC centers and training of potential TISCs staff	TISCs centers established in identified institutions
To enhance effectiveness and efficiency of public service delivery	Process IP applications	Number of Copyright applications processed	Number	30	30	30	5	5
		Number of Industrial Design applications processed	Number	4	4	4	4	4
		Number of Patent applications processed	Number	4	4	4	4	4
		Number of Trademark applications processed	Number	700	700	700	700	700

To enhance enabling environment	Draft National Intellectual Property Policy submitted to the Cabinet	Timeline by which draft National IP Policy is submitted to the Cabinet.	Date	Expert identified, initiate drafting of National IP Policy & Stakeholders consultations completed.	Draft National IP Policy submitted to the GNHC.	Views/comments from the GNHC incorporated and submitted.	Formulate IP strategies and action plans.	Submit draft National IP Policy to the Cabinet.
	Float tender and award work for consultancy service to prepare Preliminary national interest analysis (PNIA) on the feasibility study for joining the WIPO Internet Treaties (WCT & WPPT)	Status of work progress on preparation of tender documents, TOR finalization, floating NIT and award of work completed	Status of Work	-	Initiate in-house analysis and complete gathering of information on the WIPO Internet Treaties	Prepare a report on the WIPO Internet Treaties	Seek political Advice and clearance from the Ministry of Foreign Affairs	Float tender and award work for consultancy service to prepare Preliminary national interest analysis (PNIA) on the feasibility study for joining the WIPO Internet Treaties (WCT & WPPT)

To enhance enabling environment	Seek MoFA clearance and initiate feasibility study on joining Patent Cooperation Treaty (PCT)	Political clearance from the Ministry of Foreign Affairs (MoFA) sought and the feasibility study initiated	Status of Work	NA	NA	NA	NA	MoFA clearance sought and feasibility study on joining Patent Cooperation Treaty (PCT) initiated
	Tendering and floating of consultancy services on carrying out Preliminary National Interest Analysis (PNIA) study on the feasibility of joining the Hague Agreement	Status of work progress on tendering and floating of consultancy services on carrying out Preliminary National Interest Analysis (PNIA) study and a draft PNIA report on the feasibility of joining the Hague Agreement completed	Status of Work	Initiate in-house analysis and complete gathering of information on Hague Agreement	Prepare desk report on the Hague Agreement	Tender documents, TOR, NIT floated and contract awarded and signed	Seek political advice & clearance from Ministry of Foreign Affairs	Draft PNIA study report finalized within the dept. The works is subjected to timely availability of local consultants to undertake the work
To ensure full utilization of Budget	Ensure annual budget utilization	Percentage of annual budget utilization	Percent	NA	NA	NA	NA	100
To increase contribution to GDP, Revenue and Employment	Contribution to revenue/GDP through enhanced generation of revenue from registration of IP	Generate revenue from IP registration services	Nu. (Million)	5.0	6.0	7.0	8.0	8.5

Section 4: Definition of Success Indicators

Success Indicator	Description	Data Collection Methodology	Data Collection Frequency	Data Source
Number of participants covered	Total number of participants covered during the World IP Day celebration and workshops. For 2017-18 the office would like to carry out more focused or tailor made workshops to have more impact from the workshops focusing on quality rather than numbers	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Number of TISC centers established	TISCs are established in institutions for access to technical and research information for the R&D, Academic and Business information	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Number of tailor-made/focused programs implemented	2 nos. tailor-made/focused programs conducted	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Develop and publish an annual report	The annual report will encompass statistics on number of IP processed, revenue generated, workshops and seminars conducted, IP opposition cases and etc.	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Number of Industrial Design applications processed	No. of Industrial Design applications processed is dependent on the no. of applications filed to the DoIP. For this purpose, the processing of applications shall include all processes (objections, requests, corrections, registrations, renewals etc.) carried out on all other applications and shall not confine to new applications only	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA

Number of Patent applications processed	No. of Patent applications processed is dependent on the no. of applications filed to the DoIP. The applications filed would include those involving the following: new registration, renewal, amendment, opposition, correction, publication, withdrawal and other post grant actions (change in ownership, licensing, invalidation, etc.)	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Number of Copyright applications processed	No. of Copyright applications processed is dependent on the no. of applications filed to the DoIP. Copyright protection is automatic and registration of copyright works is done on a voluntary basis	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Number of Trademark applications processed	No. of Trademark applications processed is dependent on the no. of applications filed to the DoIP. The applications processed shall encompass new applications, corrections, registrations, renewals, subsequent designations, ownership transfers etc.	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA

<p>Political clearance from the Ministry of Foreign Affairs (MoFA) sought and the feasibility study initiated</p>	<ul style="list-style-type: none"> ● DoIP will seek political clearance from the Ministry of Foreign Affairs to comply with the Rules of Procedure for Treaty Making 2016 of RGoB before conducting the stakeholder consultation on joining the Patent Cooperation Treaty (PCT). ● The success indicator will be measured based on the Political clearance sought from the Ministry of Foreign Affairs (MoFA) and initiating the feasibility study starting with the preliminary stakeholder consultation ● The works on carrying out feasibility study is contingent to timely availability of local consultants having required expertise to undertake the work within the allotted budget for hiring the national consultants only ● In the event of non- availability of national consultants with required expertise, the initiation of feasibility study work may be spilled over to the following year. ● The works on PNIA report and the final NIA study for PCT accession has been planned for completion in the next FY. 	<p>Actual Physical Progress</p>	<p>Annually</p>	<p>Administrative record, DIP, MoEA</p>
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<p>Status of work progress on tendering and floating of consultancy services on carrying out Preliminary National Interest Analysis (PNIA) study and a draft PNIA report on the feasibility of joining the Hague Agreement completed</p>	<ul style="list-style-type: none"> ● The main success indicator is to complete a draft PNIA study report which will be finalized within the department ● The success indicator has three components which are (a) tendering works, (b) Report on stakeholder consultation, and (c) draft PNIA study report ● The completion of the success indicator and achievement of components a, b and c is contingent on the timely availability of local consultants having required expertise to undertake the work in FY ● For this purpose, the budget is forecasted within the permissible amount of hiring local consultants only ● Depending on the timely availability of local consultants with required expertise, the work may be spilled over ● PNIA study on the feasibility of joining the Hague Agreement shall comply with the requirements under the Rules of Procedure for Treaty Making 2016 of RGoB. ● In 2017-2018 only the Preliminary NIA will be undertaken. The Final NIA is planned in the next FY 	<p>Actual Physical Progress</p>	<p>Annually</p>	<p>Administrative record, DoIP, MoEA</p>
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<p>Status of work progress on preparation of tender documents, TOR finalization, floating NIT and award of work completed</p>	<ul style="list-style-type: none"> ● DoIP will tender and award the work to prepare the Preliminary national interest analysis (PNIA) on the feasibility study for joining the WIPO Internet Treaties (WCT & WPPT) to local consultants within the allotted budget. Considering the technical subject matter, the development of tender documents and TOR has to be done meticulously. The activities will be specified in the TOR. ● The local consultant shall carry out the work in compliance with the Rule of Procedure for Treaty Making 2016. ● The award of work may be subject to the availability of local consultants with competent expertise in the field. 	<p>Actual Physical Progress</p>	<p>Annually</p>	<p>Administrative record, DoIP, MoEA</p>
<p>Timeline by which draft National IP Policy is submitted to the Cabinet.</p>	<p>View/comments from the GNHC incorporated and draft NIPP submitted to the Cabinet.</p>	<p>Actual Physical Progress</p>	<p>Annually</p>	<p>Administrative record, DoIP, MoEA</p>
<p>Generate revenue from IP registration services</p>	<p>Total fees collected in terms of Ngultrum and CHF (Swiss Franc) through processing (registration, renewal, amendment, opposition, correction, publication, etc.) of IP applications</p>	<p>Actual Physical Progress</p>	<p>Annually</p>	<p>Administrative record, DoIP, MoEA</p>

<p>Percentage of employees sensitized on: - Gifts, Conflicts of Interest, Code of Conduct, Asset Declaration and Grievance Redress Mechanism</p>	<p>This indicator will measure the proportion of employees sensitized through face to face sensitization program on the above mentioned Ethics and Integrity Management Tools. The indicator will assess both the proportion of employees sensitized and the level of awareness created among the employees on the tools. Of the total weightage (100 percent), 40 percent is assigned on the delivery part and 60 percent on the level of awareness created. Further 40 percent weightage is apportioned as: 1) No. of tools sensitized – 5 tools (10%); 2) Mode of Delivery - face to face sensitization program (10%); 3) Duration - one day or more (10%); and 4) Percent of employees sensitized – 80 & above (10%). The agencies will report on the above weightage (40 percent) using the standard form developed by ACC.</p>	<ul style="list-style-type: none"> • Supporting documents from the agencies • Questionnaire based desk survey 	<p>Annually</p>	<p>Admin Data</p>
<p>Percentage of employees who have declared asset on time</p>	<p>This indicator will be measured based on the proportion of employees who have declared asset on or before the deadline provided by ACC. For the purpose of evaluation all employees who have declared asset later than deadline shall be considered as non-declarant.</p>	<p>Acc system and record with Administration section, MoEA</p>	<p>Annually</p>	<p>ACC system</p>

Percentage of annual budget utilization	This indicator measures the amount of variation between revised budget and expenditure of an agency for a fiscal year	Through analysis of annual budget and expenditure	Annually	Accounts Section
Percentage of non ICT staff trained.	This success indicator measures the percentage of staffs other than ICT professional provided with training on basic ICT skills. This will reduce the turn around time of providing basic troubleshooting services. The training will be provided by ICT Division	Admin records on trainings conducted	Biannually	ICT division
Percentage compliance to e-GIF standards	This success indicator measures and ensures that Departments comply to e-GIF standards in all ICT related activities.	records of e-GOV review meetings	Biannually	MoIC

Section 5: Requirements from other Departments & Secretariat Divisions

Organisation Name	Relevant Success Indicator	Requirement from the Organisation	Justification for the Requirement	Requirement detail	Impact (If Not Met)
SECRETARIAT	Number of TISC centers established	Approval/Directives	Timely implementation	Prompt approval/directives on the proposals/reports/letters submitted	Delay in implementation
SECRETARIAT	Status of work progress on tendering and floating of consultancy services on carrying out Preliminary National Interest Analysis (PNIA) study and a draft PNIA report on the feasibility of joining the Hague Agreement completed	Approval/Directives/Assistance	Timely implementation	Prompt approval/directives on the proposals/reports/letters/notes submitted and assistance for tendering works.	Delay in implementation
SECRETARIAT	Status of work progress on preparation of tender documents, TOR finalization, floating NIT and award of work completed	Approval/Directives/Assistance	Timely implementation	Prompt approval/directives on the proposals/reports/letters/notes submitted and assistance in tendering works.	Delay in implementation
SECRETARIAT	Political clearance from the Ministry of Foreign Affairs (MoFA) sought and the feasibility study initiated	Approval/Directives	Timely implementation	Prompt approval/directives on the proposals/reports/letters submitted	Delay in implementation
SECRETARIAT	Timeline by which draft National IP Policy is submitted to the Cabinet.	Approval/Directives	Timely implementation	Prompt approval/directives on the proposals/reports/notes/letters submitted	Delay in implementation

Whereas,

I, the Director General, Department Of Intellectual Property, commit to the Secretary and the Minister, Ministry Of Economic Affairs to deliver the results described in this Annual Performance Agreement.

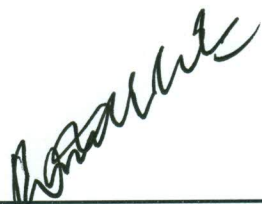
I, the Secretary, commit to the Director General, Department Of Intellectual Property to provide necessary support for the delivery of results described in this Annual Performance Agreement.

SIGNED:



Secretary

11/08/2017
Date



Mr. Kinley Tenzin Wangchuk
Director General

11 August 2017
Date