



PERFORMANCE AGREEMENT

BETWEEN

Secretary and Director General

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

(July 1, 2018 – June 30, 2019)

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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 12th Five Year Plan of the Ministry, and Government's 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) Ease of Doing Business and enabling environment for economic activities improved
- 2) Non-Hydro revenue and GDP over plan period increased

Section 2: Objectives, Success Indicators & Target

Objective	Weight	Action	Success Indicator	Unit	Weight	Excellent [100%]	Very Good [90%]	Good [80%]	Fair [70%]	Poor [60%]
Ease of Doing Business and enabling environment for economic activities improved	92	Process IP applications	Industrial Design applications processed	Percent	5	91-100	81-90	71-80	61-70	<60
			Patent applications processed	Percent	7	100	95	90	85	80
			Copyright applications processed	Percent	7	100	95	90	85	80
			Timeline for completion of the Trademark Registration Process	Days	7	180 days (6 months)	195 days (6.5 months)	210 days (7 months)	225 days (7.5 months)	Beyond 225 days
			Number of Trademark opposition cases adjudicated	Number	7	3	2	-	-	1
	Review the Voluntary Deposit (VD) and Registration System (RS) (schedule of forms and fees and office procedure guidelines)	Conduct in-house review and revise the existing Voluntary Deposit and Registration System	Status of Work	6	Review and revise the existing Voluntary Deposit and Registration System (In-house)	Review the VDRS of Copyright	Process for reviewing of VDRS of Copyright	In-house meetings/discussions conducted	In-house meetings/discussions conducted	
	Conduct specialized programs	Conduct specialized programs on IP	Number	8	5	4	3	2	1	

Publish Annual Magazine/Report	Publish Annual Magazine/Report	Status of Work	8	Magazine/Report published	Magazine/Report finalized	Draft completed	Inputs from the in-house review meetings incorporated	In-house review meetings conducted
Celebrate World IP Day	Celebrate the World IP Day	Percent	7	100	95	90	85	80
Review and finalize the Industrial Property Bill	Undertake in-house review and finalize the Industrial Property Bill	Status of Work	6	Industrial Property Bill reviewed and finalized	Draft completed	Inputs from the in-house review meetings incorporated	In-house review meetings conducted	Review of other international IP laws
Review and finalize the Copyright Bill to the Cabinet	Undertake in-house review and finalize the Copyright Bill	Status of Work	6	Copyright Bill reviewed and finalized	Draft completed	Inputs from the in-house review meetings incorporated	In-house review meetings conducted	Review of other international IP laws
Submit Preliminary National Interest Analysis (PNIA) report on the Patent Cooperation Treaty (PCT) to the Cabinet	Finalize and submit the PNIA report on the PCT to the Cabinet	Status of Work	6	Submitted to the Cabinet	Report finalized	Revised draft report completed	Inputs from the in-house review meetings incorporated	In-house review meetings conducted
Submit Preliminary National Interest Analysis (NIA) study on the Hague Agreement to the Cabinet	Finalize and submit the PNIA report on the Hague Agreement to the Cabinet	Status of Work	6	Submitted to the Cabinet	Report finalized	Revised draft report completed	Inputs from the in-house review meetings incorporated	In-house review meetings conducted
Submit the Preliminary	Finalize and submit the PNIA	Status of Work	6	Submitted to the Cabinet	Report finalized	Revised draft report	Inputs from the in-house review	In-house review meetings conducted

		National Interest Analysis (PNIA) report to joining the WIPO Internet Treaties (WIPO Copyright Treaty(WCT) and WIPO Phonogram and Performance Treaty(WPPT) to the Cabinet	report of joining the WIPO Internet Treaties to the Cabinet					completed	meetings incorporated	
Non-Hydro revenue and GDP over plan period increased	8	Contribute to Non-Hydro revenue through IP registration fees	Generate revenue from IP registration services	Nu. (Million)	8	10	9.5	9	8.5	Less than 8.5

Section 3: Trend values of success indicators

Objective	Action	Success Indicator1	Unit	Actual Values [FY 2018-19]	Actual Values [FY 2019-20]	Target Values [FY 2020-21]	Projected Values [FY 2021-22]	Projected Values [FY 2022-23]
Ease of Doing Business and enabling environment for economic activities improved	Celebrate World IP Day	Celebrate the World IP Day	Percent	Celebrate the World IP Day	Celebrate the World IP Day	Celebrate the World IP Day	Celebrate the World IP Day	Celebrate the World IP Day
	Conduct specialized programs	Conduct specialized programs on IP	Number	5	10	15	20	25
	Process IP applications	Copyright applications processed	Percent	100	100	100	100	100
		Industrial Design applications processed	Percent	Industrial Design application processed	Industrial Design application processed	Industrial Design application processed	Industrial Design application processed	Industrial Design application processed
		Number of Trademark opposition cases adjudicated	Number	3	6	9	12	15
		Patent applications processed	Percent	100	100	100	100	100
		Timeline for completion of the Trademark Registration Process	Days	180 days	180 days	180 days	180 days	180 days
	Publish Annual Magazine/Report	Publish Annual Magazine/Report	Status of Work	Annual magazine/report published	Annual magazine/report published	Annual magazine/report published	Annual magazine/report published	Annual magazine/report published
	Review and finalize the Copyright Bill to the Cabinet	Undertake in-house review and finalize the Copyright Bill	Status of Work	Review and finalize the Copyright Bill	Submit the Copyright Bill to the Cabinet	Incorporate views/comments on the Copyright Bill from the	Submit the Copyright Bill to the Parliament	Initiate drafting of the Copyright Rules and Regulations

					Cabinet		
Review and finalize the Industrial Property Bill	Undertake in-house review and finalize the Industrial Property Bill	Status of Work	Review and finalize the Intellectual Property Bill	Submit the Industrial Property Bill to the Cabinet	Incorporate views/comments on the Industrial Property Bill from the Cabinet	Submit the Industrial Property Bill to the Parliament	Initiate drafting of amendments to the Industrial Property Rules and Regulations
Review the Voluntary Deposit (VD) and Registration System (RS) (schedule of forms and fees and office procedure guidelines)	Conduct in-house review and revise the existing Voluntary Deposit and Registration System	Status of Work	Internal review of the Voluntary Deposit and Registration System (schedule of forms and fees and office procedure guidelines)	Finalize and adopt the revised Voluntary Deposit and Registration System	-	-	-
Submit Preliminary National Interest Analysis (NIA) study on the Hague Agreement to the Cabinet	Finalize and submit the PNIA report on the Hague Agreement to the Cabinet	Status of Work	Submit Preliminary National Interest Analysis (PNIA) report on the Hague Agreement to the Cabinet	Conduct Final National Interest Analysis (FNIA) to join the Hague Agreement	Dzongkha translation of the Treaty and submit to Parliament	-	-
Submit Preliminary National Interest Analysis (PNIA) report on the Patent Cooperation Treaty (PCT) to the Cabinet	Finalize and submit the PNIA report on the PCT to the Cabinet	Status of Work	Submit Preliminary National Interest Analysis (PNIA) report on the Patent Cooperation Treaty (PCT) to the Cabinet	Conduct Final National Interest Analysis (FNIA) to join the WIPO Internet Treaties	Dzongkha translation of the Treaty and submit to Parliament	-	-

	Submit the Preliminary National Interest Analysis (PNIA) report to joining the WIPO Internet Treaties (WIPO Copyright Treaty(WCT) and WIPO Phonogram and Performance Treaty(WPPT) to the Cabinet	Finalize and submit the PNIA report of joining the WIPO Internet Treaties to the Cabinet	Status of Work	Submit the Preliminary National Interest Analysis (PNIA) to join the WIPO Internet Treaties (WIPO Copyright Treaty(WCT) and WIPO Phonogram and Performance Treaty(WPPT) to the Cabinet	Conduct Final National Interest Analysis (FNIA) to join the WIPO Internet Treaties	Dzongkha translation of the Treaty	Submit to the Parliament	-
Non-Hydro revenue and GDP over plan period increased	Contribute to Non-Hydro revenue through IP registration fees	Generate revenue from IP registration services	Nu. (Million)	10	20	30	40	50

Section 4: Definition of Success Indicators

Success Indicator	Description	Data Collection Methodology	Data Collection Frequency	Data Source
Patent applications processed	<p>Patent applications processed includes receiving, issuance of acknowledgement, entry of data in the Industrial Property Automation System (IPAS), accord of filing date and notification of the same to applicant, formal examination (in some cases applications may get rejected/deemed withdrawn/abandoned based on the response from the applicant) and transmittal of national applications to WIPO for substantive examination. However, the duration of the receipt of substantive examination report from WIPO depends on the interest, availability and convenience of the donor IP Offices. For international applications, the office is dependent on the work products of other IP offices available for the same application which is retrieved by conducting search in the free Patent databases such as ESPACENET, Patentscope and USPTO. The search is conducted in these databases on a quarterly basis.</p> <p>It also includes processing of renewals, change in address of ownership, change in address of agent etc.</p>	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA

Industrial Design applications processed	Industrial Design registration process includes formality examination, substantive examination, issuance of objections, and other notifications and various actions taken on the application.	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Copyright applications processed	Application process 100%= Issuance of Registration Certificate 95%= Upload application data in the EDMS 90%= Invite opposition 85%= Issuance of the acknowledgement letter 80%= Issuance of the authorization letter	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Timeline for completion of the Trademark Registration Process	Timeline for the entire Trademark Registration process is reduced to 6 months.	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Number of Trademark opposition cases adjudicated	A total of 3 Nos. of Trademark Opposition cases will be adjudicated	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Conduct specialized programs on IP	This SI will be measured based on a no. of IP programs conducted by the DoIP and in collaboration with the WIPO or other stakeholders	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Publish Annual Magazine/Report	The annual report will be published on an annual basis	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Celebrate the World IP Day	The World IP Day is celebrated every year organizing events to recognize the creativity and contribution made by creators and innovators to the development of	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA

	society, and to encourage respect for the IP rights of others.			
Conduct in-house review and revise the existing Voluntary Deposit and Registration System	The voluntary Deposit and Registration System was launched in 2012 to facilitate the author & owners to establish prima-facie evidence over their works to assist them in times of litigation. The system is more than 5 years old, therefore, the division intends to review and update the existing system to improve and innovate the system to make it more effective and efficient	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Undertake in-house review and finalize the Industrial Property Bill	In-house review of the Industrial Property Bill completed and the Bill finalized	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Undertake in-house review and finalize the Copyright Bill	In-house review of the Copyright Bill completed and the Bill finalized.	Actual Physical Progress	Annually	Administrative record, DoIP, MoEA
Finalize and submit the PNIA report of joining the WIPO Internet Treaties to the Cabinet	The WIPO Internet Treaty comprising of the WIPO Copyright Treaty and WIPO Phonogram and Performance Treaty of the Copyright System will be processed as per the the Rules of Treaty Making 2016	Actual Physical Progress	Annually	DoIP, MoFA, Cabinet
Finalize and submit the PNIA report on the PCT to the Cabinet	The PNIA study report on the PCT will be undertaken in line with the requirements of the Rules of Procedure for Treaty Making (RoPTM) 2016. Completion of the study report for this SI is subject to timely cooperation and actions from key agencies involved which are inevitable in fulfilling the procedures	Actual Physical Progress	Annually	DoIP, MoFA, Cabinet

	and requirements of the RoPTM			
Finalize and submit the PNIA report on the Hague Agreement to the Cabinet	The PNIA study report on the Hague Agreement will be undertaken in line with the requirements of the Rules of Procedure for Treaty Making (RoPTM) 2016. Completion of the study report for this SI is subject to timely cooperation and actions from key agencies involved which are inevitable in fulfilling the procedures and requirements of the RoPTM	Actual Physical Progress	Annually	DoIP, MoFA, Cabinet
Generate revenue from IP registration services	This SI will be measured based on the fees collected in terms of Ngultrum and CHF (Swiss Franc) from IP registration services	Actual Physical Progress	Annually	RMA, RTIO

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	Finalize and submit the PNIA report of joining the WIPO Internet Treaties to the Cabinet	Approval/Directives/Assistance	Timely submission of the PNIA report to the Cabinet	Necessary approval/directives on the notes/documents submitted	Delay in submission of the PNIA report to the Cabinet
SECRETARIAT	Undertake in-house review and finalize the Copyright Bill	Approval/Directives/Assistance	Timely submission of the Copyright Bill to the Cabinet	Timely approval/directives on the note/documents submitted	Delay in submission of the Copyright Bill to the Cabinet
SECRETARIAT	Finalize and submit the PNIA report on the PCT to the Cabinet	Approval/Directives/Assistance	Timely submission of the PNIA report to the Cabinet	Timely approval/directives on the note/documents submitted	Delay in the submission of the PNIA report to the Cabinet
SECRETARIAT	Finalize and submit the PNIA report on the Hague Agreement to the Cabinet	Approval/Directives/Assistance	Timely submission of the PNIA report to the Cabinet	Timely approval/directives on the note/documents submitted	Delay in submission of the PNIA report to the Cabinet
SECRETARIAT	Conduct specialized programs on IP	Approval/Directives/Assistance	Timely implementation	Timely approval/directives on the note/documents submitted	Delay in implementation
SECRETARIAT	Publish Annual Magazine/Report	Approval/Directives/Assistance	Timely implementation	Timely approval/directives on the note/documents submitted	Delay in implementation
SECRETARIAT	Celebrate the World IP Day	Approval/Directives/Assistance	Timely implementation	Timely approval/directives	Delay in implementation

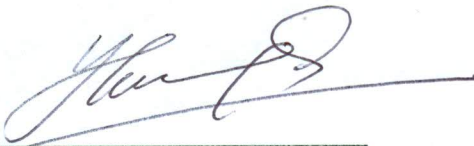
				on the note/documents submitted	
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Whereas,

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.

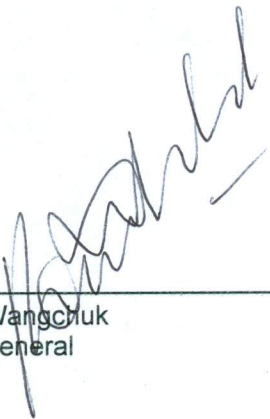
SIGNED:



Secretary

27/2/2019

Date



Kinley T Wangchuk
Director General

27/02/2019

Date