

Law No. 2001-015 of November 29, 2001, on the creation of the National Institute of Industrial Property and Technology (INPIT)

The National Assembly has deliberated and adopted;

The President of the Republic hereby promulgates the following Law:

CHAPTER I – CREATION, HEADQUARTERS AND CONSTITUTION

Section 1 – Creation and headquarters

Article 1 - An institute in charge of industrial property and technology known as the National Institute of Industrial Property and Technology (INPIT) is hereby created to replace the National Industrial Property Body (SNPIT).

INPIT shall be the national focal point for the African Intellectual Property Organization (OAPI).

Article 2 - INPIT shall have its headquarters in Lomé. The headquarters may be transferred to anywhere else in Togo following consultation of the Management Board.

INPIT may open offices or agencies within the country.

Section 2 - Constitution

Article 3 - INPIT shall be a public administrative body with legal personality and financial autonomy. It may, in this capacity, acquire, receive, own, borrow, dispose and institute proceedings.

It shall come under the supervision of the Minister for Industry.

Article 4 – The name the National Institute of Industrial Property and Technology (INPIT) shall be reserved solely for the public body set up in accordance with this Law.

CHAPTER II: MANDATES AND RESPONSIBILITIES

Article 5 - INPIT shall have the following main mandates:

- receive and forward to the African Intellectual Property Organization (OAPI) invention and utility model patent applications filed with INPIT;
- centralize requests for protection of trademarks, industrial designs, trade names and other titles deposited with the registrar's office in courts of first instance and forward them to the African Intellectual Property Organization (OAPI);
- stimulate creative activity and the search for ways to adapt known techniques to the specific requirements of Togo, particularly by ensuring a constant exchange of information with interested users and, more importantly, with small and medium-sized enterprises;
- disseminate any useful information and technical documentation concerning industrial property;
- encourage and facilitate cooperation relations between Togo and the World Intellectual Property Organization (WIPO), the African Intellectual Property Organization (OAPI) and similar agencies;
- raise awareness of potential users (researchers, inventors, innovators, industrialists, craftworkers, retailers, farmers, etc.) about the basic notions of industrial property and the interest of documentation provided by invention patents for technical research and development;
- raise awareness among the Togolese population about the importance of industrial property and technology, the need for protection from counterfeiting and on issues of industrial creativity;
- help in identifying, defining and formulating national policy in the area of scientific research, specifically in terms of:
 - valuing research outcomes;
 - improving and developing local and craftwork techniques;
 - standardization.

Article 6 – INPIT shall also be responsible for:

- monitoring the application of international conventions, agreements and treaties concerning industrial property and technology to which Togo is a party;
- assisting economic operators:
 - in the signing of agreements for the sale and transfer of licenses, know-how, technical assistance and personnel training;
 - in the choice of technology equipment;

- making available to the public, researchers and inventors scientific and technical information contained in patent documents and other technical publications;
- managing the national technology transfer register;
- representing and defending, alone or in association with other departments or agencies, the interests of the Togolese Republic and Togolese natural persons or legal entities in the sphere of industrial property and technology;
- centralizing and coordinating the assistance and training actions of international industrial property and technology agencies for the benefit of the Togolese Republic.

CHAPTER III: ORGANIZATION AND FUNCTIONING

Section 1 - Bodies

Article 7 – The bodies of the National Institute of Industrial Property and Technology (INPIT) shall be as follows:

- Management Board
- Directorate-General

Article 8 – The Management Board shall be the administrative body of INPIT and, as such, shall:

- provide guidelines for the body;
- implement and monitor the general policy of INPIT;
- adopt the rules of procedure of INPIT and the staff rules and regulations;
- vote on the budget and adopt the accounts drawn up by the Directorate-General;
- adopt the activity reports of INPIT;
- approve the auditors' report;
- deliberate on all matters submitted to it.

Article 9 – The Management Board shall be composed as follows:

- one representative of the Minister for Industry: President;
- one judge representing the Minister of Justice: member;
- one customs inspector representing the Minister of Finance: member;
- one representative of the Minister of Culture: member;
- one representative of the Minister for Research: member;

- one representative of the National Federation of Regional Chambers of Commerce and Industry: member;
- one representative of the University of Lomé: member;
- one representative of the University of Kara: member;
- one representative of the National Federation of Chambers of Trade: member;
- one representative of the Togolese Group of Small and Medium-Sized Enterprises (GTPME): member;
- one representative of the National Council of Employers: member;
- one representative of invention and innovation promotion associations: member;
- the Director-General of Industrial Development: member;
- the Director-General of Trade: member;

Article 10 – The tenure of the members of the Management Board shall be three (3) years. It may be renewed.

Article 11 – The functions of the members of the Management Board shall be performed free of charge. However, members in attendance shall be allocated an attendance grant, the sum of which shall be proposed in advance by the Management Board and approved by the Minister responsible.

Article 12 – The Management Board shall meet in ordinary session twice a year following a summons from its President.

The Board may meet in extraordinary session at the request of the supervisory authority or two thirds of its members.

Article 13 – The Directorate-General shall be the management body of INPIT. It shall be governed by a Director-General who shall have responsibility over all of the Institute's services.

The Directorate-General shall employ staff paid from the budget of the Institute. It may also use paid staff seconded from INPIT.

Article 14 – The Director-General shall be appointed by decree adopted in the Council of Ministers following a proposal by the Minister for Industry

Article 15 – The Director-General shall coordinate, operate and manage the different administrative and technical services of the Institute.

He shall implement the decisions of the Management Board, to which he shall be accountable for the functioning of services.

In collaboration with the President of the Management Board, the Director-General shall ensure proper implementation of the budget voted by the Board.

Article 16 – The Director-General shall attend the meetings of the Management Board in an advisory capacity. He shall act as the secretariat.

He shall assist the President in preparing and refining the policy, strategic and budgetary choices to be presented to the Board.

Section 2 – Resources

Article 17 – The resources of INPIT shall be made up of:

- proceeds from additional taxes and duties;
- proceeds from services provided;
- subsidies from the African Intellectual Property Organization (OAPI);
- subsidies from any other similar agency;
- public donations;
- any other extraordinary revenues.

Article 18 – Each year, INPIT shall produce its budget, which is then submitted for signature to the supervisory Minister and the Minister of Finance.

The supervisory Minister and the Minister of Finance shall give their opinions within fifteen (15) days of the date when the documents were handed to them. Following that period, the budget shall be enforceable.

Article 19 – The Minister for Industry who is responsible for INPIT may cancel the acts or decisions of the Institute where these contravene its responsibilities or the laws in force.

Article 20 - INPIT shall be subject to the financial checks applicable to public bodies with financial autonomy.

Article 21 – The bodies of INPIT that contravene legal or statutory requirements may be dissolved by decree of the Council of Ministers.

Article 22 – INPIT personnel may be:

- recruited from among officials in accordance with the relevant applicable statutory provisions;
- employed directly by INPIT.

CHAPTER IV: FINAL PROVISIONS

Article 23 – Decrees approved in the Council of Ministers shall determine the rules for implementing this Law.

Article 24 – This Law shall be implemented as a State Law.

Done at Lomé, November 29, 2001

President of the Republic

Guassingbé EYADEMA

Prime Minister

Messan Agbéyomé KODJO