

Committee on Development and Intellectual Property (CDIP)

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**EVALUATION REPORT ON THE PROJECT ON STRENGTHENING AND DEVELOPMENT OF
THE AUDIOVISUAL SECTOR IN BURKINA FASO AND CERTAIN AFRICAN COUNTRIES**

prepared by Mr. Glenn O'Neil, Founder, Owl RE, Evaluation Consultancy, Geneva

1. The Annex to this document contains an external independent Evaluation Report on the Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries, undertaken by Mr. Glenn O'Neil, Founder, Owl RE, Geneva.

2. *The CDIP is invited to take note of the information contained in the Annex to this document.*

[Annex follows]

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List of acronyms used

CDIP	Committee on Development and Intellectual Property
CMOs	Collective Management Organizations
DA	Development Agenda
FESPACO	Pan African Film and Television Festival
IP	Intellectual Property
LDCs	Least Developed Countries
SMEs	Small and medium-sized enterprises
WIPO	World Intellectual Property Organization

EXECUTIVE SUMMARY

1. This report is an independent evaluation of the Development Agenda Project (DA_1_2_4_10_11) on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African countries. The project implementation started in February 2013 and was completed in October 2015.
2. The project aimed to accelerate the development of the African audiovisual sector through technical assistance and capacity building to increase understanding and use of the copyright system. The project was based on a proposition by the CDIP delegation of Burkina Faso which was further developed by the WIPO Secretariat and validated by the CDIP to include three countries in a pilot approach: Burkina Faso, Kenya and Senegal.
3. The project had three main activities: the researching and publishing of a Scoping Study and a Study on rights management (*Project activity 1*), a launching conference, training program and distance learning program (*Project activity 2*) and support for the development of skills, practices, infrastructure and tools (*Project activity 3*).
4. The aim of this evaluation was to learn from experiences during project implementation. This included assessing the project management and design including monitoring and reporting tools, as well as measuring and reporting on the results achieved to date and assessing the likelihood of sustainability.
5. The evaluation utilized a combination of methods including a document review and interviews with six staff at the WIPO Secretariat in Geneva and telephone and in-person interviews with five representatives and staff of Member States and three external consultants that participated in the project.

Key findings

Project design and management

6. **Finding 1:** The management of the project ensured that the planned activities were implemented and the budget used as planned, allowing for changes and adaptations that were necessary. Some challenges were faced in managing the project due to other work priorities of the responsible WIPO manager (due to other priorities), the delay in appointing a support staff and the varying implication of local focal points.
7. **Findings 2-3:** The project document was found to be sufficient in guiding the overall implementation and assessment of progress. The project monitoring tools were appropriate for reporting purposes although the project could not fully analyze several elements, notably the feedback from training participants and the progress on global indicators of success.
8. **Finding 4:** The project was managed by a project manager of the Copyright Law Division of the Culture and Creative Industries Sector with collaboration of the WIPO Academy (for the distance learning program) and the Global infrastructure Sector (for the software project, WIPOCOS). The Copyright Law Division largely supported this project with its own expertise and that of regional and international external consultants with the required specializations.
9. **Finding 5:** The progress reports of the project and this evaluation identified five risks faced by the project. For these risks, the project adopted mitigation strategies that reduced or eliminated any impact on the project. The only exception seen was that the demands on the project exceeded the resources available leading to some delays in project implementation.

10. **Finding 6:** The evaluation identified three external trends or factors that that project had to respond to: adapting to the realities of the African audiovisual sector; the accelerated switch to a digital television network; and external political change. As a result, the project had to adapt its approaches and activities to some extent.

Effectiveness

11. **Findings 7-8:** The project was essential in creating interest and building knowledge on the potential use of IP system for audiovisual work in the three participating countries. Given low levels of existing awareness, the project faced considerable challenges to seeing substantial change within the 32 month timeframe. Nevertheless, feedback indicated that examples of the desired changes had been seen, such as an increased use of written contracts amongst film professionals. However, to achieve fully the project outcomes, different but complementary activities would still be required.

12. **Findings 9-10:** The project carried out initiatives in all three countries that contributed to copyright frameworks and structures, notably through inputting into relevant laws and policies and supporting the setting up of new Collective Management Organizations (CMOs) in Kenya and Senegal and developing the capacities of the existing CMO in Burkina Faso Possible achievements in this area were potentially limited by the delays in commencing these activities.

13. **Findings 11-12:** The Scoping Study was useful in understanding the “international standard” and comparing it to the situation of the three countries. This in turn supported the countries in identifying gaps where policy or legislation was needed, setting priorities and understanding the potential of IP. The Study was also very useful for the project in providing guidance and direction for where the project should focus. The Study on rights management provided a similar level of insights and concrete proposals for participating countries.

14. **Findings 13-14:** The training workshops were very useful in increasing the knowledge of film professionals and other stakeholders concerning IP and the audiovisual sector. The workshops were appreciated by participants for their practical orientation and the extensive information provided. There were also examples seen where the workshops produced concrete initiatives to advance the issues further. The distance learning program was delayed and scheduled for launching in early 2016.

Sustainability

15. **Findings 15-17:** As a pilot project, it laid the first foundations for increasing knowledge and the potential use of IP in the audiovisual sector in the three countries. However, to ensure the results are sustainable and the project outcomes achieved, further support from WIPO would be required. The likelihood of the sustainability is also reliant on the ongoing support of the relevant authorities in the three countries.

Implementation of Development Agenda (DA) Recommendations

16. **Finding 18:** The project contributed to the implementation of Recommendation 1 considering it was based on a request of a Member State, transparent in its implementation and country-specific. Recommendation 2 requested higher priority for least developed countries (LDCs) and in Africa with matched well to the project as it was based in Africa and included two LCDs (Burkina Faso and Senegal). Recommendation 4 emphasized the needs of small and medium-sized enterprises (SMEs) with the project partially responding to this recommendation, given that the film industries in the participating countries are largely made up of SMEs. With its focus on strengthening copyright frameworks and institutions, the project also contributed to Recommendation 10. The project responded well to Recommendation 11, which focused on strengthening national capacity for protection of domestic creations, given its focus on

increasing the knowledge and eventual use of IP to protect the domestic creations (i.e. audiovisual works) in Africa.

Conclusions and Recommendations

17. **Conclusion 1** (*Ref: Findings 1-18*). Overall the project has been successful in building awareness on the potential benefits of IP for the audiovisual sector and creating a momentum for enhanced usage of IP in the three participating countries. The project assisted authorities in strengthening their frameworks and infrastructures to support such enhanced usage. The project was also an opportunity to highlight a positive usage of IP in Africa for a creative industry.

18. **Conclusion 2** (*Ref: Findings 1-6*). The project faced some shortcomings in project management mainly due to staff availability and varying local support that led to delays in the project implementation, such as the scheduling of workshops and the launch of the distance learning program. This also meant that some follow-up was not fully carried out, such as monitoring how the training participants used their knowledge. Continuous availability of the project manager and greater administrative support from could have remedied this situation.

19. **Conclusion 3** (*Ref: Findings 7 -14*). The findings indicate that the focus of the project was mainly on the training program in-country and less so on support to infrastructures and frameworks. This is understandable given that the training was needed to provide an entry point for the infrastructure/framework support. However, given the project delays, the potential in this support was possibly not reached and could be a focus for future activities.

20. **Conclusion 4** (*Ref: Findings 15-18*). The findings indicate that for the progress seen to date in the three participating countries to be capitalized upon and built into more substantial use of IP, further support of WIPO would be required. What would be crucial is to determine the type of support needed to ensure that IP is well integrated within the audiovisual sector in these countries. It would seem appropriate that WIPO focuses on consolidating its efforts in the three participating countries to accelerate the use of IP, possibly through moving to more targeted support to film professionals, other relevant stakeholders (e.g. lawyers, broadcasters, etc.) and the infrastructures and frameworks required. The two above-mentioned Studies and the workshop reports contain many concrete recommendations in this direction. WIPO could consider adding additional countries, but given the resource limitations, it would have to set limits in terms of the number of countries it can support and to avoid entering into a cycle of continuous training that can be all time-consuming (thus the positive role that the distance learning program can play).

21. **Recommendation 1** (*Ref: Conclusion 1-4, Findings 1-18*). It is recommended to the CDIP that a second phase be supported for this project and the necessary resources are available to the WIPO Secretariat to enable its efficient implementation.

22. **Recommendation 2** (*Ref: Conclusion 2-3, Findings 1-14*). It is recommended to the WIPO Secretariat in designing a second phase to focus on the consolidating the progress made to date in the three countries and if extra countries are added, to carefully design the scope of support provided. Further, a better monitoring and follow-up of activities would need to be put in place and increased administrative staff support or other solutions, such as regional focal points, budgeted for. In addition, sufficient budget should be included to support the existing three countries plus any additional countries.

23. **Recommendation 3** (*Ref: Conclusion 3-4, Findings 7-18*). It is recommended that all relevant national stakeholders (Copyright Offices, Ministers of Culture, Film Commissions and other agencies) in participating countries reiterate their support and commitment for the project and ensure that key roles, such as the local focal points are supported and maintained.

I. INTRODUCTION

24. This report is an independent evaluation of the Development Agenda Project DA_1_2_4_10_11) on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African countries. The project was approved during the ninth session of the Committee on Development and Intellectual Property (CDIP) (document CDIP/9/13), held in Geneva, in May 2012. The project implementation started in February 2013 and was completed in October 2015.

II. DESCRIPTION OF THE PROJECT

25. **Objectives:** The project aimed to accelerate the development of the African audiovisual sector through technical assistance and capacity building to increase understanding and use of the copyright system with two objectives set:

(a) To contribute to enhanced use of the Intellectual Property (IP) system for the financing, production and distribution of audiovisual works; and

(b) To advance the development of an effective and balanced framework and infrastructure for the exercise and management of IP rights-based transactions in the audiovisual sector.

26. The project was based on a proposition by the CDIP delegation of Burkina Faso which was further developed by the WIPO Secretariat and validated by the CDIP to include three countries in a pilot approach: Burkina Faso, Kenya and Senegal.

27. **Components:** The project document set out three main activities:

(a) *Project activity 1: Scoping Papers and Studies:* The researching and publishing of a Scoping Study on the current role of IP in audiovisual works in the three participating countries and a Study on the collective negotiation and management of rights in the audiovisual sector.

(b) *Project activity 2: Training and Professional Development:* A launching conference of the project as part of the Pan African Film and Television Festival (FESPACO) (Ouagadougou, Burkina Faso) and the conducting of nine workshops for film professionals (three per country). The training program would also be the basis for a distance learning program.

(c) *Project activity 3: Institutions and skills building:* The conducting of training activities to explain available tools and guidelines for licensing and collective bargaining; support to development of skills, practices, infrastructure and tools for audiovisual IP rights in three participating countries.

28. Within WIPO, this project has been managed by the Copyright Law Division, Culture and Creative Industries Sector.

III. OVERVIEW OF EVALUATION CRITERIA AND METHODOLOGY

29. The aim of the evaluation was to assess the project's performance, including project design and management, coordination, coherence, implementation and results achieved. The evaluation also aimed to provide evidence-based evaluation information to support the decision-making process of the CDIP.

30. The evaluation was organized around 11 evaluation questions split into four foci: Project Design and Management, Effectiveness, Sustainability and Implementation of Development Agenda Recommendations. These questions are responded to directly in the section “Key findings” below.

31. The evaluation utilized a combination of methods. In addition to a review of all relevant documentation and available monitoring data, interviews were conducted with six staff at the WIPO Secretariat in Geneva and telephone and in-person interviews with five representatives and staff of Member States and three external consultants that participated in the project.

IV. KEY FINDINGS

32. This section is organized on the basis of the four evaluation areas. Each evaluation question is answered directly under the headings of each area.

A. PROJECT DESIGN AND MANAGEMENT

33. **Finding 1:** The management of the project ensured that the planned activities were implemented and the budget used as planned, allowing for changes and adaptations that were necessary, as described below (findings 5 and 6). Some challenges were faced in managing the project due to other work priorities of the responsible WIPO manager, the delay in appointing a support staff and the varying implication of local focal points who carried out this role in addition to their other work tasks. As a result, the project was delayed in its implementation and there were some gaps seen in the follow-up required and the monitoring of the activities, as described further below. Further, the support staff appointed was at the “G” (general) level as the budget allowed. However, the tasks required, such as drafting content/texts for the organization of workshops, liaising with participating countries and monitoring progress were more suitable for a junior “P” (professional) staff member contributing to the above gaps.

Appropriateness of the initial project document as a guide for project implementation and assessment of results achieved.

34. **Finding 2:** The project document provided a description of the delivery strategy, activities and schedule, budget and monitoring indicators. The project document was found to be sufficient in guiding the overall implementation and assessment of progress. The document provided a necessary level of details on the planned activities to allow their planning and implementation. Initial risks foreseen for the project were not detailed in the document, but were included in later Project Progress reports.

The project monitoring, self-evaluation and reporting tools and analysis of whether they were useful and adequate to provide the project team and key stakeholders with relevant information for decision-making purposes.

35. **Finding 3:** The project monitoring tools were appropriate for reporting to Member States at the CDIP on the overall progress of the project, notably through the Project Progress reports. Several observations were made about the reporting and analysis tools:

(a) The training component (Project Activity 2) was a significant element of the project. Although reactions and comments were collected from training participants through feedback forms, this information was not analyzed in a consistent and uniform way to allow comparison and its use for reporting and learning purposes.

(b) The project document (CDIP/9/13) detailed a series of indicators of success at the outcome level. Five of six of these indicators mention the use of the Scoping Study (Project Activity 1) to determine the baseline. However, the Scoping Study

(CDIP/12/INF/3) does not report directly on these indicators in a succinct and precise manner, making their measurement over time challenging. The sixth indicator refers to the use of a follow-up survey of training participants (six months after the completion of training) to measure their use of the skills attained, however such a survey was not carried out, resulting in only anecdotal information available on the longer term impact of the training.

The extent to which other entities within the Secretariat have contributed and enabled an effective and efficient project implementation.

36. **Finding 4:** As stated above, the activities of this project were managed by a project manager of the Copyright Law Division of the Culture and Creative Industries Sector. Support of other entities included collaboration with the WIPO Academy in support of developing the distance learning program and with the Global Infrastructure Sector with their software project, WIPOCOS, to support collective management organizations (CMOs). The Copyright Law Division largely supported this project with its own expertise and that of international and regional external consultants with the required specializations from the IP and audiovisual fields.

The extent to which the risks identified in the initial project document have materialized or been mitigated.

37. **Finding 5:** The initial project document did not identify potential risks for the project. However, in consequent Project Progress reports, several risks were mentioned and are summarized as follows, in addition to others identified by this evaluation:

<i>Identified risk and mitigation response</i>	<i>Analysis</i>
<p><i>The demand for the project activities exceeds the resources available.</i> Mitigation: Requests from other countries were received to participate in the project; three countries (Ivory Coast, Uganda and Morocco) were accepted as observers for 2015 training workshops. A part-time staff member was appointed from September 2013 to support the WIPO manager running the project.</p>	<p>WIPO was able to manage requests to participate and found a suitable solution (in allowing observers). The project did face a delay in its implementation with two six month extensions needed. This was largely due to the responsible WIPO manager carrying out other high priority projects, the delayed appointment of the part-time support staff and local political developments.</p>
<p><i>Securing effective leadership and coordination within the three participatory countries.</i> Mitigation: The WIPO Secretariat worked closely with the national authorities to secure the necessary commitment and appointment of focal points per country.</p>	<p>The use of local focal points proved key to managing and advancing the project. Issues were seen with changes to relevant leadership and focal points in-country. This led to some delays in implementing the activities as scheduled.</p>
<p><i>Low level of awareness and use of copyright in the audiovisual sector delays achievement of tangible outcomes.</i> Mitigation: The WIPO Secretariat adapted and increased its training activities to build basic awareness and address practical needs. It also worked with local authorities to reach and interest the local banking and financial community who had little experience with the audiovisual sector.</p>	<p>Adapting project activities to match the levels of awareness were necessary to ensure that tangible outcomes would be eventually achieved. The project did manage to reach the banking and financial community, for example in the Senegal training workshops.</p>

Identified risk and mitigation response	Analysis
<p><i>Identification of film professionals with the capacity to use IP in a strategic manner</i> Mitigation: Careful selection and vetting of participants by local focal points and workshop trainers.</p>	<p>Based on the feedback of focal points and workshop trainers, this risk was largely mitigated, with the participants (in most cases), having an appropriate profile for the training. In addition, the number of participants per workshop was increased and the cross-country participation contributed to an enhanced exchange of experiences and synergies.</p>
<p><i>Legal frameworks and institutions supporting copyright protection for the audiovisual sector are operational in the three countries.</i> Mitigation: The WIPO Secretariat provided support to the national authorities to establish or adapt any necessary frameworks and institutions.</p>	<p>The support provided by WIPO was important in supporting the given frameworks and institutions, for example by inputting into relevant laws and policies in all three countries and in supporting the setting up of new CMOs in Kenya and Senegal and strengthening the existing CMO in Burkina Faso.</p>

Table 1: Risks, mitigation and analysis

The project's ability to respond to emerging trends, technologies and other external forces.

38. **Finding 6:** The project had to respond to a number of emerging trends, technologies and other external forces. This evaluation identified the following factors and describes how the project responded to them:

(a) *Adapting to the realities of the African audiovisual sector:* The project had to adapt to the local contexts and levels of awareness and needs of the film professionals, as described in table 1. Activities were consequently adjusted, for example in the number of training workshops held (two per country rather than three as planned), the number of participants attending (60-70 rather than 25-30 as planned) and providing additional activities that were not foreseen, such as specific training for lawyers on copyright and contracts in Senegal with the participation of lawyers from Burkina Faso.

(b) *The accelerated switch to a digital television network:* The switch to a digital network meant that this was a major preoccupation for the audiovisual sector and consequently the project had to adapt its activities accordingly, for example in the themes addressed in the training workshops.

(c) *External political and management changes:* The change of President in Burkina Faso and subsequent developments in 2014/15 resulted in delays in project implementation, with activities rescheduled as necessary. Changes to the management of the Kenya Copyright Board at the director level also impacted on the scheduling.

B. EFFECTIVENESS OF THE PROJECT

The effectiveness and usefulness of the project in contributing to an enhanced use of the IP system for the financing, production and distribution of audiovisual work in the selected pilot countries.

39. **Finding 7:** The project was essential in creating interest and building knowledge on the potential use of IP system for audiovisual work in the three participating countries, as seen through the training program (Project Activity 2). Given that the level of awareness and use of

IP for audiovisual work was as at a very rudimentary level, the project faced considerable challenges to seeing substantial change to actual use of IP within the 32 month timeframe. Nevertheless, feedback from focal points, WIPO staff and workshop trainers indicated that they had seen an increased use of written contracts amongst film professionals in the production process in the three countries. The Kenya Copyright Board (KECOBO) reported an increase in voluntary registrations of audiovisual works and that a beneficiary of the workshops, Historia Films licensed some of their films in the region for the first time thanks to the knowledge acquired through the training. Further, the example was given of lawyers who participated in the Senegal workshops that were now offering audiovisual contracts as part of their services.

40. **Finding 8:** Therefore, the project was a necessary foundation for the eventual enhanced use of IP but significant progress was yet to be seen or documented on several relevant outcome indicators, notably the increase in the number of IP related transactions in the audiovisual sector and an increase in the number of legitimate channels for the sale of African film rights. It was felt by relevant stakeholders that to achieve these outcomes, different but complementary activities would be required, such as facilitating the access of film professionals to markets or developing and disseminating best practices/guidelines for contracts.

The effectiveness and usefulness of the project in advancing the development of an effective and balanced framework and infrastructure for the exercise and management of IP rights-based transactions in the audiovisual sector in the selected pilot countries.

41. **Finding 9:** The focus on three countries allowed the project to interact with the relevant authorities and stakeholders. This provided an understanding of their needs concerning frameworks and infrastructures to support IP in the audiovisual sector. As a consequence, the project carried out initiatives in all three countries that contributed to these frameworks and structures, notably:

- (a) Inputting into relevant copyright law provisions in Burkina Faso and Senegal;
- (b) Inputting into the new National Film Policy of Kenya and the Communications Bill in Senegal; and
- (c) Supporting the establishment of new CMOs in Kenya and Senegal.

42. **Finding 10:** Project Activity 3 was the main support for achieving this objective related to frameworks and institutions. Due to the delay in project implementation, these activities were largely implemented in the last 10 months of the project (January 2015 to October 2015). Therefore, the possible achievements were potentially limited by the reduced time frame. However, issues relating to frameworks and institutions were covered partially in the workshops of Project Activity 2 as well as through cooperation with the Algerian CMO and national copyright office which provided training for staff members of the CMO of Burkina Faso, including its newly appointed Director General. As seen for Findings 7 and 8, the contribution of the project in this aspect was also a necessary foundation for future eventual progress.

The usefulness of the Scoping Study for Member States.

43. **Finding 11:** The Scoping Study, prepared by two external experts (Mr. Bertrand Moullier and Mr. Benoît Muller) was published and presented to Member States at the twelfth session of the CDIP in November 2013. The Study described the “international standard” in copyright-based transactions in audiovisual sector and provided a snapshot assessment of the structural and copyright issues in the three participating countries.

44. **Finding 12:** According to local focal points and representatives of participating countries, the Scoping Study was useful in understanding the “international standard” and comparing it to the situation of their own country. This in turn supported them in identifying gaps where policy or legislation was needed, setting priorities and understanding the potential of IP. The key role that IP rights transactions can play in film financing was mentioned as an example. The Study was also very useful for the project in providing guidance and direction for where the project should focus, for example in the training workshops. At a broader level, the Study was the first known in-depth study of copyright in the audiovisual sector in Africa and was of interest to other Member States and stakeholders, in addition to it highlighting the positive contribution that IP could make to a creative industry. The complementary study on “Collective Negotiation of Rights and Collective Management of Rights in the Audiovisual Sector” (by Ms. Tarja Koskinen-Olsson) also provided a similar level of insights and concrete proposals for participating countries in the area of rights management.

The usefulness of workshops, training and distance learning program in providing professional education and working knowledge in relation to audio-visual financing, distribution, management and licensing to sustain local audio-visual development.

45. **Finding 13:** Feedback from the training participants and workshop trainers indicated that the workshops were very useful in increasing the knowledge of film professionals and other stakeholders concerning IP and the audiovisual sector. The workshops were appreciated by participants for their practical orientation and the extensive information provided. Given the low level of awareness seen, the workshops were seen as a starting point for the majority of participants in learning about the potential of IP for their audiovisual projects.

46. **Finding 14:** The majority of workshops addressed a broad range of topics rather than specific topics in-depth. However, as two workshops were held per country, the second workshops tended to focus more on specific topics building on the needs identified in the first workshops (in total eight workshops were held; two per country and two for lawyers in Senegal). Further, there were examples seen where the workshops produced concrete initiatives to advance the issues further. For example, following the Kenya 2015 workshop, a task force was created to support the creation of a new CMO. Of note, the distance learning program was delayed and scheduled for launching in early 2016.

C. SUSTAINABILITY

The likelihood of the continuation of work on the Strengthening of the Audiovisual Sector in WIPO and its Member States.

47. **Finding 15:** The project was designed as a pilot project, as seen in the limited number of participating countries and the trialing of the training workshops and support offered. In this regard, it was a first experience for WIPO in carrying out this type of project in the copyright field, the audiovisual sector and in Africa.

48. **Finding 16:** The above findings indicated that the project laid the first foundations for increasing knowledge and the potential use of IP in the audiovisual sector in the three countries. However, to ensure the results are sustainable and the project outcomes achieved, further support from WIPO would be required. This is taking into account that the project outcomes were very ambitious for the given time period and could not fully anticipate the low awareness and challenges that would be encountered by the project.

49. **Finding 17:** The likelihood of the sustainability of the progress achieved to date is also reliant on the ongoing support of the relevant authorities in the three countries. As indicated above, the role of the local focal points was key as was the support of the Copyright Offices, Ministers of Culture and other relevant agencies. Supporting a project of this nature was also a first experience for many of these authorities.

D. IMPLEMENTATION OF DEVELOPMENT AGENDA (DA) RECOMMENDATIONS

The extent to which the DA Recommendations 1, 2, 4, 10 and 11 been implemented through this project

50. **Finding 18:** This evaluation has found that the project has responded to these recommendations as following:

- (a) Recommendation 1 emphasized that WIPO's technical assistance should be development oriented, demand-driven, transparent and country-specific. The project contributed to the implementation of this recommendation considering it was based on a request of a Member State (Burkina Faso), transparent in its implementation and country-specific (limited to three countries).
- (b) Recommendation 2 requested higher priority and financial assistance to least developed countries (LDCs) and in Africa for the promotion of IP. Given that the project was based in Africa and included two LDCs (Burkina Faso and Senegal), it can be considered that the project contributed to this recommendation.
- (c) Recommendation 4 emphasized the needs of small and medium-sized enterprises (SMEs) in dealing with scientific research and cultural industries and the need for appropriate national strategies. The project partially responded to this recommendation, in that the film industries in the participating countries are largely made up of SMEs and these were key beneficiaries of the project. The project also provided support for national strategies concerning IP and the audiovisual sector, as seen with the input provided to the national laws and policies.
- (d) Recommendation 10 requested assistance to Member States to develop national IP capacity through infrastructure and other facilities. With its focus on strengthening copyright frameworks and institutions, the project contributed to this recommendation, although as described above, the contribution was an initial step with further reinforcement needed.
- (e) Recommendation 11 requested assistance to Member States to strengthen national capacity for protection of domestic creations, innovations and inventions and to support relevant infrastructure. The project responded well to this recommendation, given its focus on increasing the knowledge, eventual use of IP to protect the domestic creations (i.e. audiovisual works) in Africa and promoting their international distribution.

V. CONCLUSIONS

51. **Conclusion 1** (Ref: Findings 1-18). Overall the project has been successful in building awareness on the potential benefits of IP for the audiovisual sector and creating a momentum for enhanced usage of IP in the three participating countries. The project assisted authorities in strengthening their frameworks and infrastructures to support such enhanced usage. The project was also an opportunity to highlight a positive usage of IP in Africa for a creative industry.

52. **Conclusion 2** (Ref: Findings 1-6). The project faced some shortcomings in project management mainly due to staff availability and varying local support that led to delays in the project implementation, such as the scheduling of workshops and the launch of the distance learning program. This also meant that some follow-up was not fully carried out, such as monitoring how the training participants used their knowledge. Continuous availability of the project manager and greater administrative support could have remedied this situation.

53. **Conclusion 3** (*Ref: Findings 7 -14*). The findings indicate that the focus of the project was mainly on the training program in-country and less so on support to infrastructures and frameworks. This is understandable given that the training was needed to provide an entry point for the infrastructure/framework support. However, given the project delays, the potential in this support was possibly not reached and could be a focus for future activities.

54. **Conclusion 4** (*Ref: Findings 15-18*). The findings indicate that for the progress seen to date in the three participating countries to be capitalized upon and built into more substantial use of IP, further support of WIPO would be required. What would be crucial is to determine the type of support needed to ensure that IP is well integrated within the audiovisual sector in these countries. It would seem appropriate that WIPO focuses on consolidating its efforts in the three participating countries to accelerate the use of IP, possibly through moving to more targeted support to film professionals, other relevant stakeholders (e.g. lawyers, broadcasters, etc.) and the infrastructures and frameworks required. The two above-mentioned Studies and the workshop reports contain many concrete recommendations in this direction. WIPO could consider adding additional countries, but give the resource limitations, it would have to set limits in terms of the number of countries it can support and to avoid entering into a cycle of continuous training that can be all time-consuming (thus the positive role that the distance learning program can play).

55. **Recommendation 1** (*Ref: Conclusion 1-4, Findings 1-18*). It is recommended to the CDIP that a second phase be supported for this project and the necessary resources are available to the WIPO Secretariat to enable its efficient implementation.

56. **Recommendation 2** (*Ref: Conclusion 2-3, Findings 1-14*). It is recommended to the WIPO Secretariat in designing a second phase to focus on the consolidating the progress made to date in the three countries and if extra countries are added, to carefully design the scope of support provided. Further, a better monitoring and follow-up of activities would need to be put in to place and increased administrative staff support or other solutions, such as regional focal points, budgeted for. In addition, sufficient budget should be included to support the existing three countries plus any additional countries.

57. **Recommendation 3** (*Ref: Conclusion 3-4, Findings 7-18*). It is recommended that all relevant national stakeholders (Copyright Offices, Ministers of Culture, Film Commissions and other agencies) in participating countries reiterate their support and commitment for the project and ensure that key roles, such as the local focal points are supported and maintained.

[Appendix I follows]

APPENDIX I: PERSONS INTERVIEWED/CONSULTED

WIPO Staff:

Ms. Maya Bachner, Director, Program Performance and Budget Division

Ms. Carole Croella, Senior Counsellor, Copyright Law Division

Mr. Georges Ghandour, Senior Program Officer, Development Agenda Coordination Division,
Development Sector

Ms. Alexandra Grazioli, Director, Office of the Director General

Mr. Sebastien Mamy, Senior Project Lead, Global infrastructure Sector

Ms. Michelle Woods, Director, Copyright Law Division

External:

Member States:

Mr. Abdoul Aziz Dieng, Minister of Culture, Senegal

Her Excellency Ms. Evelyne Marie Augustine Ilboudo, Ambassador and Deputy Permanent
Representative, Permanent Mission of Burkina Faso, Geneva

Balamine Ouattara, Copyright Office, Burkina Faso

Mr. Timothy Owase, Development Manager, Kenya Film Commission

Ms. Pamela Wille, Counsellor, Economic Division, Permanent Mission of Germany in Geneva

External consultants:

Mr. Bertrand Moullier, NARVAL Media Limited, UK

Ms. Tarja Koskinen Olson, International Adviser, Olsson & Koskinen Consulting, Finland

Ms. Sandra Oyewole LLP, Nigeria

[Appendix II follows]

APPENDIX II: DOCUMENTS CONSULTED

WIPO (2012), *Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries, Project Document*, CDIP/9/13.

WIPO (2013), Moullier, B. & Muller B., *Scoping Study on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries*, CDIP/12/INF/3.

WIPO (2014), CDIP, Fourteenth Session, *Progress Reports*, CDIP/14/2.

WIPO (2014), Koskinen-Olsson, T. *Study on Collective Negotiation of Rights and Collective Management of Rights in the Audiovisual Sector*, CDIP/14/INF/2.

WIPO (2015), CDIP, Sixteenth Session, *Progress Reports*, CDIP/16/2.

[Appendix III follows]

APPENDIX III: INCEPTION REPORT

1. Introduction

This document is an inception report for the evaluation of the *DA Project on Strengthening and Development of the Audiovisual Sector in Burkina Faso and Certain African Countries*. This document outlines the purpose, objectives, strategy, methodology and work plan of the evaluation. The final report will be based on this inception report, pending approval from WIPO.

2. Purpose and Objectives

The main purpose of this evaluation is to assess implementation of the project and its overall performance. This will feed into the decision-making process of the CDIP.

The main objective of this evaluation is two-fold:

1. Learning from experience during project implementation: what worked well and what did not work well for the benefit of continued activities in the field. This includes assessing the project design framework, project management, including monitoring and reporting tools, as well as measuring and reporting on results achieved to date and assessing the likelihood of sustainability of results achieved.
2. Providing evidence-based evaluation information to support WIPO's decision-making process in developing this activity.

In particular, the evaluation will assess the extent to which the project has been instrumental in:

- (a) Contributing to enhanced use of the intellectual property (IP) system for the financing, production and distribution of audiovisual works; and
- (b) Advancing the development of an effective infrastructure for IP rights-based transactions and licensing and related skills to enhance financial returns to audiovisual creators and the industry.

3. Evaluation Strategy

- (a) The evaluation will take a participatory approach and involve all relevant stakeholders in the different steps of the evaluation, as far as feasible.
- (b) The information and data will be gathered from multiple sources using different research methods in order to be able to triangulate and cross-reference the results drawn.
- (c) The evaluation will find a balance between questions of project design ("what worked") and questions of effectiveness ("what was achieved"). This will directly support meeting the above-mentioned objectives.

4. Evaluation Framework

Theme and questions	Proposed indicators	Data collection tools	Sources of information
Project design and management			
1. Appropriateness of the initial project document as a guide for project implementation and assessment of results achieved.	Modifications required during the implementation of the project	Document review Interviews	WIPO staff External stakeholders
2. The project monitoring, self-evaluation and reporting tools and analysis of whether they were useful and adequate to provide the project team and key stakeholders with relevant information for decision-making purposes.	Level of usefulness of monitoring and reporting tools	Document review Interviews	WIPO staff External stakeholders
3. The extent to which other entities within the Secretariat have contributed and enabled an effective and efficient project implementation.	Number of WIPO units involved in the project and their contribution	Document review Interviews	WIPO staff External stakeholders
4. The extent to which the risks identified in the initial project document have materialized or been mitigated.	Type of risks encountered during project implementation and how they were addressed	Document review Interviews	WIPO staff External stakeholders
5. The project's ability to respond to emerging trends, technologies and other external forces.	Level of ability of the project to respond	Document review Interviews	WIPO staff External stakeholders
Effectiveness			
1. The effectiveness and usefulness of the project in contributing to an enhanced use of the IP system for the financing, production and distribution of audiovisual work in the selected pilot countries.	Extent to effectiveness and usefulness of the project	Document review Interviews	WIPO staff External stakeholders

4.1. Evaluation tools

The research tools will be used across the different themes and questions. The following table provides further information on these tools and how they will be deployed.

Tool	Description	Information source
<i>Interviews – internal</i>	Some 8 semi-structured interviews	<i>By telephone & in-person:</i> WIPO Secretariat staff, including: - Development Sector - Copyright Law Division - Africa Regional Bureau

Tool	Description	Information source
<i>Interviews – external</i>	Some 15 semi-structured interviews	<i>By telephone & in-person:</i> - External consultants (that participated in project) - From the pilot countries Burkina Faso, Kenya and Senegal: --Local focal points --Copyright offices (or equivalent) --Member State Missions in Geneva
<i>Document review</i>	Review of main documentation	WIPO documentation including internal/external reports/publications, feedback reports on workshops and End of Mission reports of consultants

Data analysis methods: The quantitative and qualitative data collected will be analyzed and compiled using comparative and statistical methods where appropriate. The data will be correlated and organised to respond to the evaluation questions. These findings will then be used to inform the conclusions and recommendations proposed.

5. Work Plan and Timetable

The proposed milestones and timelines are as shown here below:

Milestones/Deliverables	Key dates
Work starts	15 November 2015
Submission of inception report to WIPO	30 November 2015
Feedback from WIPO on inception report	5 December 2015
Submission of final inception report to WIPO	7 December 2015
Submission of draft report to WIPO	15 January 2016
Factual corrections from WIPO on draft report	20 January 2016
Submission of final report to WIPO	30 January 2016
Presentation of evaluation report at the CDIP	11-15 April 2016

6. Key Assumptions and Risks

It is assumed that the project team and the Development Agenda Coordination Division (DACD) will assist the consultant in identifying and accessing all key documents; informing key stakeholders about the evaluation, making necessary introductions, providing contact information and facilitating interviews as required; and providing consolidated timely feedback on deliverables. It is also assumed that the interviews to be undertaken will be successful and language will not be a barrier (the consultant speaks English and French). It is also assumed that the people to be interviewed will be available and willing to provide the required information.

Annex 1: Draft list of persons to be interviewed

Below is a draft list of persons to be interviewed for this evaluation. This list will be adjusted in collaboration with WIPO.

Internal:

Ms. Maya Bachner, Director, Program Performance and Budget Division
Mr. Irfan Baloch, Director, DACD
Ms. Carole Croella, Senior Counsellor, Copyright Law Division (and other relevant staff)
Mr. George Ghandour, Senior Program Officer, DACD
Ms. Alexandra Grazioli, Office of Director General
Ms. Gao Hung, Director, Copyright Development Division
Ms. Michelle Woods, Director, Copyright Law Division

External:

Local focal points:

Burkina Faso: Ms. Mireille Kabore

Kenya: Ms. Marisela Ouma

Senegal: Mr. Aziz Dieng

Representatives of the Copyright Offices (or equivalent):

Burkina Faso: Balamine Ouattara, Responsible for project and past focal point (2014)

Kenya: Mr. Edward Sigei, Chief Legal Counsel and Acting Director, Mr. Timothy Owase, Development Manager, Kenya Film Commission

Senegal: Ms. Mareme Diop, Conseillère technique affaires internationales, Ministère de la culture, Ambassador Fode Seck.

Member State Representatives of Burkina Faso, Brazil, Germany, Indonesia, Kenya, Oman, Romania, Senegal, UK

External consultants that participated in the project: Bertrand Moullier (UK), Benoit Muller (CH), Tarja Koskinen Olson (Finland), Alain Modot (France), Sandra Oyewole (Nigeria), Jean Hubert Nankam (Ivory Coast), Corneille Badji (Senegal), Carmen Garcia (Canada) and Abdellatif Laassadi (Morocco).

[End of Appendix III and of document]