

**The Research Council of Zimbabwe (RCZ), Intellectual Property and Knowledge
Development**

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Abstract

The Research Council of Zimbabwe (RCZ) is a statutory body established by an Act of Parliament to coordinate, promote, direct and advise Government with respect to research in the country. Research is the bedrock for scientific knowledge development. The knowledge so developed can lead to inventions requiring intellectual property protection.

Given the foregoing, it is appropriate for the RCZ to be part of the process of developing an IP culture in Zimbabwe.

This paper seeks to explain the mandate of the RCZ.

The RCZ has been, up to now, playing the role of catalyst and has remained poorly visible to the research fraternity. New developments are now underway that will raise Council's profile.

The role that RCZ can play with respect to development of an IP culture is explained. IP culture development is necessary, if knowledge development and related derivatives of R&D, innovations and inventions are to translate into economic benefit at a pace and quantum to make significant contribution to socio economic development. The role of the RCZ will largely remain supportive of the lead agencies in IP in Zimbabwe and facilitatory with respect to the embracing of IP by the research fraternity.

The Research Council of Zimbabwe

Historical Perspective of RCZ, the Statutory Body

The RCZ was established by the then Prime Minister Cde, R G Mugabe by Notice in the Government Gazette in 1984. Staff of the Scientific Liaison Office in the then Prime Minister's Office serviced the newly established Council. One of the major achievements of the first Council was recommending to Government a draft Bill that was promulgated in 1986 as the Scientific and Technological Research Act.

In 1988, that Act was amended to become the Research Act. The 1988 amendment broadened the mandate of Council as well as provided for the registration of foreign researchers or local researchers conducting research on behalf of foreigners or foreign bodies. The Act was amended again in 1998 to provide for the establishment of the Biosafety Board.

Council remained being serviced by civil servants until 2004 when approval was granted for it to recruit its own secretariat staff.

To date the secretariat is as follows:

Executive Director
Deputy Director
Senior Technical Officer
Technical Officer (x2)
Records Officer
Human Resources Officer
Finance Officer
Secretary/Receptionist
Driver/Office Orderly
PA to Executive Director

Provisions of the Research Act [Chapter 10:22]

General establishment and administrative issues are provided for in clauses 3 to 15. Council comprises at any time of 10-15 members appointed for 3 year renewable terms. A minimum of 3 meetings per year must be held and Council can form committees for specialised purposes.

RCZ has formed the following Committees:

- Foreign Researchers
- 8th Symposium on Science and Technology
- Natural and Environmental Sciences
- Health Sciences

- Mineral Resources and Earth Sciences
- Science and Society
- Industrial Development
- Agricultural Sciences
- Research Grants and Awards
- Social Sciences and Humanities
- Informatics
- Finance

Clause 16 provides for the functions of Council namely promotion, direction, supervision and co-ordination of research.

The Research Act, under clauses 24-28 also provides for the establishment of sectoral research councils and research institutes and for the control of such research council and institutes. Council is mandated to identify areas of need or functional gaps with respect to research and make recommendations to Government with respect to appropriate strategies to be employed.

Clause 29 provides for discoveries and inventions by officers of Council, research councils or research institutes. Since this is the main purpose of this presentation the full text is given below.

29 Discoveries and inventions by officers of Council, research council or research institute.

(1) The rights in all discoveries and inventions and in all improvements in respect of processes, articles, substances, materials, machinery or apparatus made in the course of their employment by officers of the Council or a research council or research institute or persons holding research fellowships or other similar awards granted by the Council or a research council or research institute shall be vested in the Council or in the research council or research institute, as the case may be, and such discoveries, inventions and improvements shall be made available for use in the public interest subject to such conditions and the payment of such fees or royalties as the Council or the research council or research institute, as the case may be, may, in accordance with regulations made by the Minister, determine.

(2) The Council or a research council or research institute may, out of its funds, pay the discoverer or inventor working as an officer of the Council or the research council or research institute, as the case may be, or as a person holding a research fellowship or other similar award granted by the Council or the research council or research institute, as the case may be, such bonus, or make provision for such financial participation in the profits derived from the relevant discovery or invention as the Minister or the Minister responsible, as the case may be, in consultation with the Minister responsible for finance, may determine.

(3) The Council, a research council or research institute may apply for a patent in respect of any discovery, invention or improvement referred to in subsection (1) and shall, for the purposes of the Patents Act [*Chapter 26:03*], be regarded as the assignee of the discoverer or inventor.

30 Special investigations at request of person with a specific object of making discoveries, inventions or improvements

(1) Subject to the approval of the Minister or the Minister responsible, as the case may be, the Council, a research council or research institute may, at the request of any person and at such place and subject to such conditions and the payment of such charges as may be agreed upon, carry out or cause to be carried out through its officers or through persons holding research fellowships or other similar awards granted by it or to whom special grants were made by it special investigations with the object of the discovery or invention of or the improvements in respect of any process, article, substance, material, machinery or apparatus.

(2) The rights in any discovery, invention or improvement so made shall be vested in the Council or the research council or research institute concerned, as the case may be, or the person who made the discovery, invention or improvement if he is a person to whom a special grant is made by the Council or the research council or research institute, as may be provided by a written agreement entered into by the parties concerned prior to the investigation.

(3) Any discoveries, inventions or improvements, the rights to which are vested in the Council, a research council or research institute in pursuance of an agreement referred to in subsection (2), shall be made available for use in the public interest and the Council, the research council or research institute concerned may apply for a patent in respect thereof, as if they were discoveries, inventions or improvements referred to in subsection (1) of section *twenty-nine*.

(4) If the rights to any discovery, invention or improvement are, in pursuance of an agreement referred to in subsection (2), vested in any person other than the Council, the research council or research institute concerned, that discovery, invention or improvement shall be used or made available for use in the public interest subject to such conditions as may be provided by the agreement.

Funding Activities of the RCZ that are indirectly linked to IP

Publications

The RCZ provides financial assistance to the following publications:

- The Central African Journal of Medicine (CAJM)
- Journal of Applied Sciences in Southern Africa (JSSA)
- Journal of Science and Technology (JS&T)
- Zimbabwe Science News
- Zimbabwe Veterinary Journal
- Zambezia Journal of Humanities

Symposia

The RCZ hosts biennial symposia at which research papers are presented either in plenary or parallel sessions. Proceedings of papers presented are published. The eighth of these symposia series is scheduled for January 31 to 1 February 2007.

The Role of RCZ in Developing an IP Culture

Scientific knowledge is created for the purpose of deriving socio economic benefit for the individual, the society, nation and the world at large. For that to happen in a fair and systematic way institutional, national and international measures that are accepted and respected by all have to be put in place. To that end we have organisations such as WIPO, ARIPO and national laws. The national laws in Zimbabwe are administered by the Minister of Justice Legal and Parliamentary Affairs.

Generally, IP was not mainstreamed to the level where individual researchers, innovators and inventors were fully aware and fully appreciated IP as an economic resource. Fortunately as the nation strives for economic advancement, issues of IP are coming to the fore. There is a growing awakening to IP as evidenced by the number of IP related workshops, seminars and conferences being held in the country. A number of institutions have already developed or are in the process of developing their IP policies. The RCZ has a role in promoting IP as an economic resource or as an intangible asset. Therefore in addition to speaking in support of IP at fora such as this one, the RCZ should also host specific events on the subject. The following are examples.

A public lecture could be hosted whereby a local or regional or international speaker is invited. The RCZ successfully facilitated the hosting of a similar event in Biotechnology.

At the forthcoming 8th Symposium, authors would be encouraged to present papers on IP. Possibly one of the plenary sessions could be on IP. One cannot speak with certainty with respect to plenary presentations because the subject would be considered in competition with others.

The RCZ also has a role to play with respect to making recommendations to Government on incentives that could be linked to institutional IP assets as a way of stimulating R&D in priority areas. Historically, in this country, R&D was largely carried out abroad at the parent companies of the subsidiaries that were operating locally. However as local companies emerge, more and more R&D will be done locally bringing IP to the fore.

In so far as ICT has a role in IP, RCZ was proactive in spearheading the establishment of the Zimbabwe Academic and Research Network (ZARNet) which is an internet service provider for academic institutions, research institutions, training colleges, schools and other clients especially in rural and disadvantaged areas.

The RCZ is aware that copyright is quite well understood and respected in this country. The challenge is the advent of the new technologies. The RCZ advocates for the legal use of copyright material. We also support initiatives that make information accessible. Open Access is one such initiative. The RCZ will keenly follow developments with a view to developing the appropriate advice on national policy.

The Zimbabwe University Libraries Consortium (ZULC) is therefore being invited to proactively continue pursuing cooperation opportunities with the RCZ in our mutual endeavour to make information readily available for use in knowledge development which knowledge is necessary for driving the national economy.