

ARIPO @ 40

1976- 2016

40 YEARS OF COOPERATION IN IP



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1976-2016

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African Regional
Intellectual Property Organization

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All photographs and illustrations provided by ARIPO
Cover photos by SARDC

Produced for ARIPO by the
Southern African Research and Documentation Centre (SARDC), Harare
www.sardc.net Knowledge for Development



ARIPO Member States and Observers



Profile of ARIPO Members at 31 May 2016

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ARIPO Observer States

Article VI of the Lusaka Agreement mandates the organization to co-operate with non-member states. In line with this provision, ARIPO has cooperated with the following 12 potential member states, which have observer status in the meetings of its main organs.

	Algeria
	Angola
	Burundi
	Egypt
	Eritrea
	Ethiopia
	Libya
	Mauritius
	Nigeria
	Seychelles
	South Africa
	Tunisia

FOREWORD



*A*s the representative of the Government of Zambia to the ARIPO Council of Ministers, I take great pride in the fact that the legal foundation for ARIPO is called the Lusaka Agreement, and that this dream of an African regional intellectual property organization was born in my capital city 40 years ago, on 9 December 1976. It is my deep honour to serve as the Chairperson of Council at this important time in our collective history.

The African Regional Intellectual Property Organization, ARIPO, has grown to 40 years of age through the active participation of member states, who have increased in number as more countries see the value and understand the vision of the organization.

Our initial vision as member states to pool together our human and financial resources to create ARIPO has been achieved, bringing tangible benefits to members in the spirit of cooperation. This initial vision has grown into a broader perspective for the 21st century that aligns with the objectives of the African Union and its Agenda 2063, looking forward with confidence in our own abilities to create, share and protect our intellectual property.

New technologies are available to us now that were not invented 40 years ago, and this allows us to cooperate in different ways over longer distances, more effectively, as well as providing new and innovative means for storage of our information.

One of our challenges has been that the increasing mandates are not accompanied by a commensurate increase in resources for implementation. However, the revenue from the Protocols is increasing and, while seeking methods to increase our income, we have been investing in the future through building the capacity of our human capital. This is achieved through training in the administration of Intellectual Property laws, organizing training seminars and other IP meetings, and promoting the exchange of ideas and experience as well as conducting research in the field of IP, as mandated by the Lusaka Agreement of 9 December 1976.

The ARIPO Academy is a successful intervention in this regard, as are the national roving seminars conducted in member states, and the Masters degree programme that was initiated at Africa University in Zimbabwe. This is soon to be expanded to West Africa, through the Kwame Nkrumah University of Science and Technology in Ghana, and in East Africa, to the University of Dar es Salaam in the United Republic of Tanzania.

I want to thank our incumbent Director General, Fernando dos Santos from Mozambique, who has taken us forward in several strategic areas such as strengthening the Human Resources function at our Secretariat to become an active participant and advisor rather than playing a passive administrative role. He has improved the management systems in general, and successfully managed the automation of the business processes through the new ICT project called POLite+ which offers e-filing, e-searches and e-payment. He has promoted the visibility of ARIPO in the member states, the region and internationally.

He will have a second term starting next year, having been appointed to serve again from 2017-2020. We want to thank him particularly for guiding the development of this beautiful new headquarters building.

To his four predecessors who served the organization so well over the past 40 years, we must say, Thank you for a job well done! Each one of you has taken ARIPO to new heights of development and innovation, and has made his own mark on the history of the organization.

Our partners have been with us throughout our development, notably the World Intellectual Property Organization and the United Nations Economic Commission for Africa, but also other governments that are not members, as well as related organizations in Africa and around the world. We invite them to know and share our success story, as captured in this publication, ARIPO@40.

We must congratulate ourselves on this important occasion because this is our organization, belonging to 19 African countries that are member states. The results that we can see from ARIPO's 40 years as a membership organization, have been achieved with input and ideas from all of us.

There are 12 observer states whom we regard as potential members, and we hope this commemoration and this publication will help you to see why you should join us and benefit from our future plans for Value & Growth Transformation as presented in our Strategic Plan 2016-2020.

We must offer our deep appreciation to the Government of Zimbabwe for being such a fine host country, gracious and supportive during our period of development since establishing the office here in 1982, for providing first our offices and even some resources, until we grew to stand up on our own, based in this vibrant and beautiful country that is in itself a model of human capacity development.

I want to conclude by thanking all members and potential members, colleagues in the Council of Ministers, the hardworking Administrative Council, the Directors General including the incumbent who has been selected by us to implement our strategic plan when he was appointed for a second term from 2017-2020. He and his team of highly motivated staff members are the builders of this organization.

We have all worked well together in the spirit of cooperation and we will continue to work together to achieve our goals and meet our targets to contribute to the social, economic, scientific and technological development of our great continent of Africa.

I thank all of you for your contribution to the success of ARIPO and for a job well done!

Honourable Margaret Mwanakatwe
Minister of Commerce, Trade and Industry
Republic of Zambia
Chairperson Council of Ministers of ARIPO
December 2016

PREFACE



*A*s ARIPO we have travelled a long journey with many challenges but always with achievements around the next bend in the road.

We have come a long way in fulfilling the vision of the founding fathers and mothers to facilitate cooperation among member states on intellectual property matters, and they must have very special recognition for their vision at that time when their countries had very recently achieved independence. They sought to pool together their financial and human resources, seeking technological advancement for economic, social, scientific and industrial development.

They set in motion a key ingredient for the African continent. That cooperation is key to our success. We are proud to build on their foundation, and to present our achievements after 40 years, as well as our plans going forward.

The member states of ARIPO, both old and new, have strengthened this foundation in immeasurable ways through their guidance and active participation in the ARIPO governing bodies, the Council of Ministers and the Administrative Council.

The world is constantly changing around us, and with it our working environment, and so we have gone on to reach levels that may not have been accessible at the time when the organization was established by the Lusaka Agreement on 9 December 1976 at Mulungushi Hall in Lusaka, Zambia. We are constantly developing new mechanisms to achieve our goals, using the new methods and technologies available to us, with the support of partner countries and organizations.

This book traces the story of ARIPO from the initial ideas and vision in the early 1970s through the Lusaka Agreement, establishment of the organization and its office, eventually the acquisition of these premises and the various stages of development of our new ARIPO Headquarters, launched on 9 December 2016.

This period of 40 years includes the expansion of our initial industrial property mandate limited to patents and industrial designs, to trademarks, and further afield into other areas of copyright, protection of traditional knowledge and folklore, and new varieties of plants. Therefore, in addition to the Harare Protocol on Patents and Industrial Designs, and the Banjul Protocol on Marks, we have developed into those emerging areas through the Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore, and the Arusha Protocol for the Protection of New Varieties of Plants.

The book has 10 chapters tracing the development of ARIPO through our reports and documents, and also through interviews with my predecessors, the first four Directors General of ARIPO. They are Justice Jeremiah Ntabgoba from Uganda, Justice Anderson Zikonda from Zambia, Advocate Mzondi Chirambo from Malawi, and Gift Sibanda from Zimbabwe. On this important occasion, I want to give special recognition to them as my predecessors and all previous staff of ARIPO, as well as the Council of Ministers and Administrative Council members since inception.

The achievements of my first term in office since January 2013 are presented in the concluding Chapter 11, together with our vision for Value & Growth Transformation going forward to 2020.

These achievements were made possible through the support of the member states, the members of the Council of Ministers and the Administrative Council, members of the various committees, and the dedicated and hard-working staff of ARIPO. The Government of Zimbabwe has been supportive to the organization as the host country since 1982 and to me since taking office four years ago. National structures and organizations, and the people in general, have been very warm and welcoming so we feel at home here.

This story of 40 years of development and achievement in the field of Intellectual Property within the territory of our member states is told in this book – ARIPO@40. I want to thank the Southern African Research and Documentation Centre (SARDC) for their support in producing this publication in commemoration of our 40 years of development.

I urge you to read and enjoy, and retain this book for reference. Even those who know a lot about ARIPO will find something new in this publication. And for those who are new to our work, you will have access to knowledge about the protection of Intellectual Property and its contribution to development. This is a knowledge resource.

Fernando dos Santos
Director General ARIPO
December 2016

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ACRONYMS

Acronym	Full Name
ACP	African, Caribbean and Pacific
AGRA	African Green Revolution Alliance
ARCT	African Regional Centre for Technology
ARIPO	African Regional Intellectual Property Organization
ARSO	African Regional Organization for Standardization
ARTC	ARIPO Regional Training Centre
CBD	Convention on Biological Diversity
CISAC	International Confederation of Authors and Composers Societies
COMESA	Common Market for Eastern and Southern Africa
COSOMA	Copyright Society of Malawi
CSIR	Council of Scientific and Industrial Research (Ghana)
DG-AGRI	Directorate General for Agriculture and Rural Development of the European Union
EAC	East African Community
EAPO	Eurasian Patent Organization
ECOWAS	Economic Community of West African States
EoF	Expression of Folklore
EPO	European Patent Office
EUIPO	European Union Intellectual Property Office
FTP	File Transfer Protocol
GI	Geographical Indication
GNIS	French National Seeds and Seedlings Association
GR	Genetic Resources
ICT	Information Communication Technology
IFRRO	International Federation of Reproduction Rights Organization
IGC	Inter-Governmental Committee of WIPO
INDAUTOR	Instituto Nacional del Derecho de Autor National Institute of Copyright (United Mexican State)
INPI-Brazil	Instituto Nacional da Propriedade Industrial/National Institute of Industrial Property
INPI-France	Intitut National de la Propriété Industrielle/National Institute of Industrial Property
INPI-Mozambique	Instituto Nacional da Propriedade Industrial/National Institute of Industrial Property
INTA	International Trademark Association
IP Australia	Intellectual Property Office of Australia
IPAS	Industrial Property Automation System
IPC	International Patent Classification
IPDF	Intellectual Property Development Plan (Seychelles)
IPR	Intellectual Property Right
IPT	Industrial Property Tribunal (Kenya)
IWG	Intersessional Working Group (WIPO)
JPO	Japan Patent Office
KIPO	Korean Intellectual Property Office
MIP	Masters Degree in Intellectual Property
NEPAD	New Partnership for Africa's Development
NIPA	National IT Industry Promotion Agency (Korea)
NORCODE	Norwegian Copyright Development Association
PCT	Patent Cooperation Treaty
OAPI	Organisation Africaine de la Propriété Intellectuelle/African Intellectual Property Organization
OHIM	Office for Harmonization in the Internal Market
OIP	Office for Inventions and Patents (Germany)
PACRA	Patents and Companies Registration Agency (Zambia)
PBR	Plant Breeders' Rights
PCT	Patent Cooperation Treaty
PVP	Plant Variety Protection
ROSPATENT	Federal Service for Intellectual Property, Patents and Trade Marks (Russian Federation)
SADC	Southern African Development Community
SAIC	State Administration of Industry and Commerce (China)
SANBio	Southern Africa Network Network for Biosciences
SEACONET	Southern and Eastern Africa Copyright Network
SIPO	State Intellectual Property Office (China)
SIRDC	Scientific and Industrial Research Development Centre (Zimbabwe)
SPSS	Statistical Package for Social Sciences
SME	Small and Medium-Scale Enterprises
SPRO	Swedish Patent and Registration Office
STI	Science, Technology and Innovation
TISC	Technology and Innovation Support Centre
TK	Traditional Knowledge
TRIPS	Trade Related Aspects of Intellectual Property Rights
UKPO	United Kingdom Patent Office
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organization
UPOV	International Union for the Protection of New Varieties of Plants
USPTO	United States Patent and Trade Mark Office
WTO	World Trade Organization
WIPO	World Intellectual Property Organization
WIPO WWA	World Intellectual Property Organization World Wide Academy
ZIPDT	Zimbabwe Intellectual Property Development Trust
ZIPO	Zimbabwe Intellectual Property Office
ZIPT	Zimbabwe Institute of Patents and Trademarks



1

From humble beginnings....

“The first hurdle was to convince the governments of English-speaking African countries to accept the significance of the Industrial Property system, particularly the patent system, as a crucial tool in the developmental process of their respective countries. It was no easy task.” - Dominic M. Mills, former Registrar-General of Ghana and first Chairperson of the Administrative Council of ARIPO

THE AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO) has matured to the age of 40 years with 19 member states and five protocols including the Lusaka Agreement. ARIPO is an active force in the protection of patents, trademarks, industrial designs and copyright and other intellectual property rights, and for emerging issues such as the protection of traditional knowledge and expressions of folklore, and new varieties of plants.

ARIPO is an inter-governmental organization that facilitates cooperation among member states in intellectual property matters, with the objective of pooling financial and human resources, and seeking technological advancement for economic, social, technological, scientific and industrial development. That cooperation is the key to its success.

Although the name ARIPO does not generate instant recognition in the capital cities of the registered members, ARIPO and its functions touch the lives of millions of people in terms of copyrights, trademarks, patents and other forms of intellectual property.

In Harare where its headquarters are located, motorists who drive along Sam Nujoma Way are familiar with the name of ARIPO proudly announced on a road sign at the left turn into Natal Road, while driving north towards the University of Zimbabwe.

ARIPO began as an institution for the protection of Industrial Property, established by the Lusaka Agreement of 9 December 1976, and celebrates its 40th anniversary on 9 December 2016.

Starting with an initial eight signatories, there are now 19 African countries that are party to the Lusaka Agreement and therefore members of ARIPO — **Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Sierra Leone, Liberia, Rwanda, São Tomé and Príncipe, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe.**

An additional 12 countries have observer status and can be considered as potential members.

Initially established as the Industrial Property Organization for English Speaking Africa (ESARIPO), the Lusaka Agreement was amended in 1985 to open membership to all African countries that were members of the then Organization of African Unity (OAU), now the African Union, or the United Nations Economic Commission for Africa (UNECA).

The “English Speaking” part of the name was dropped in 1985, leaving the African Regional Industrial Property Organization, reflecting its new Pan-African outlook. Later, on acquiring a broader mandate for copyright and related rights, beyond industrial property, the name was again updated to embrace the spectrum of intellectual property, as the African Regional Intellectual Property Organization. This change emanated from a decision of the Council of Ministers after recommendation by the Administrative Council at its 27th Session held in 2003.

ARIPO has the capacity to administer applications for patents, utility models and industrial designs in member states that are party to the Harare Protocol, marks for members of the Banjul Protocol or traditional knowledge and expressions of folklore through the more recent Swakopmund Protocol that was adopted in 2010 and entered into force five years later.

A protocol for the protection of new varieties of plants was concluded in Arusha, United Republic of Tanzania in 2015 with an initial five signatories and the aim of enhancing agricultural productivity, innovation and development in ARIPO member states, and is awaiting ratification.

The year 2016 marks 40 years since the formation of this innovative organisation, and this historic occasion is marked by the inauguration of the new headquarters complex at 11 Natal Road, in the Belgravia suburb of Zimbabwe’s capital, Harare, which will change the face and work of the organization and facilitate its expansion with more offices, conference and meeting rooms.

The new infrastructure also accommodates the ARIPO Academy that runs workshops, seminars and training courses to advance IP knowledge, from the basics of intellectual property to specialist knowledge, and also sponsors selected students for the Masters Degree in Intellectual Property established at Africa University in Zimbabwe, with possible expansion to other universities such as the University of Dar es Salaam in Tanzania and the Kwame Nkrumah Science and Technology University in Kumasi, Ghana. Roving seminars are hosted by member states to help business, researchers, lawyers and innovators to keep up with developments in local and global IP services.

This publication *ARIPO@40* takes the reader on a journey through the development and growth of this institution that is key to protecting Africa’s intellectual property through patents, trademarks, copyrights, utility models, industrial designs, plant varieties, traditional knowledge and expressions of folklore, and geographical indications. The intention is to illustrate the history and development of the organization including achievements, challenges, and main activities.

Through this publication, the ARIPO Secretariat seeks to take the reader on a journey that started 40 years ago, when the legal framework was established by the Lusaka Agreement of 9 December 1976.

Humble Origins

The origins of ARIPO can be traced back to a regional seminar held in Nairobi, Kenya in the early 1970s to discuss patents and copyright issues for English-speaking African countries.

In 1973, the United Nations Economic Commission for Africa (UNECA) and the World Intellectual Property Organization (WIPO) responded to the request for assistance by these English-speaking countries who had recently gained independence from colonial rule and wanted to establish a collective system that would enable them to pool resources for industrial property matters to avoid duplication of human and financial resources, and to support technological advancement.

The two UN agencies organized several meetings in 1974, attended by representative of most English-speaking African countries. Constituted into two committees, one on Patents and the other on Trademarks and Industrial Designs, they drafted an Agreement for the creation of an Industrial Property Organization for English Speaking Africa (ESARIPO), to pool national resources for the modernization, harmonization and development of Intellectual Property (IP) laws and policies.

The draft agreement was approved by a Diplomatic Conference for the Adoption of an Agreement on the Creation of an Industrial Property Organization for English Speaking Africa, held at Mulungushi Hall in Lusaka, Zambia in 1976, attended by 13 English-speaking African countries.



Before ARIPO, most independent African countries had “dependent industrial property legislation” which did not provide for original grant or registration in the countries concerned. They could only extend to their territories the effects of industrial property rights obtained in a foreign country (in most cases the United Kingdom) and governed by laws of a foreign country.

The historic Lusaka Agreement was signed on 9 December 1976 by representatives of eight countries — The Gambia, Ghana, Kenya, Malawi, Mauritius, Somalia, Uganda and Zambia. The agreement was subsequently ratified by five of the signatories — The Gambia, Ghana, Kenya, Malawi and Zambia. They became the first five members of ARIPO when the agreement entered into force on 15 February 1978.

Painting of the Mulungushi International Conference Centre in Lusaka, Zambia, where the Agreement on the creation of ARIPO was adopted

Since that date, the “English-speaking” descriptive has been removed and membership opened in 1985 to all African countries who are members of UNECA or the African Union, and an additional 14 countries have acceded to the agreement — Botswana, Lesotho, Liberia, Mozambique, Namibia, Rwanda, São Tomé and Príncipe, Sierra Leone, Somalia, Sudan, Swaziland, Uganda, United Republic of Tanzania and Zimbabwe.

ESARIPO started with no secretariat of its own and relied on the goodwill of its original patrons, UNECA and WIPO, and the government of Kenya, until the permanent secretariat was established in Zimbabwe in February 1982 with the arrival of its founding Director General, Justice Jeremiah Ntabgoba, a Ugandan judge and Intellectual Property expert who took up his post on 1 June 1981 in Nairobi.

The government of the Republic of Zimbabwe, which had gained independence on 18 April 1980, agreed to host ARIPO and provide accommodation to the fledgling organization.

With the support of the host government and other member states, the first Director General, Justice Ntabgoba, established the foundation for an organization whose successes have been achieved through the determined efforts of a total of five Directors-General, with professional staff and technical advisors drawn from the member states and beyond.

The staff members were collectively motivated over the years by a singular desire to reach the heights of accomplishment that the organization celebrates today.

With guidance and direction from the Council of Ministers and the Administrative Council made up of representatives of member states, they built ARIPO from humble beginnings to the organization that we see today with modern systems and infrastructure, with a visible online footprint, and aspirations for strategic sustainability in revenue and organizational growth, including alignment and harmonization of laws and systems.

On the occasion of the 10th anniversary of ARIPO in 1986, the Director General of WIPO, Dr Arpad Bogisch, wrote that, “it is a source of pride to WIPO to have played a part in the creation and strengthening of ARIPO.” He congratulated member states and assured them of continuing support from WIPO.



Director General of WIPO, Dr Arpad Bogisch on the 10th Anniversary of ARIPO

“The significance of ARIPO was clearly recognized by the African Heads of State when in the Lagos Plan of Action which was adopted in 1980, they recommended, among the measures to overcome the lack of information affecting the selection, acquisition and use of appropriate technology options, ‘supporting and strengthening African Regional Organisations in the field of patent documentation and information, such as ESARIPO...

The first 10 years in the life of an inter-governmental organization are probably the most crucial and Mr J.H. Ntabgoba, the Director of ARIPO, had the challenging task of launching this new inter-governmental organization. He is now engaged with excellence and determination in the task of securing its viability.

I wish also to pay tribute to the ARIPO member states for their foresight when they decided with great wisdom to create or join this organization... I have no doubt that despite some problems, mainly of a financial nature, time will prove that their decision was right and the benefits derived for this group of African countries will amply compensate their efforts.

The Foreword to 10 Years of ARIPO, ARIPO, 1986

Speaking as the Guest of Honour at the Silver Jubilee celebration of ARIPO and the inauguration of its then headquarters on 10 December 2001, the Vice President of the Republic of Zimbabwe, Dr Simon V. Muzenda, said his country was proud to host ARIPO, adding that the inauguration of the headquarters building was “a clear manifestation that the organization has come of age and that it is now more than ever before ready to meet the challenges that confront our countries in matters relating to Industrial Property.”

He noted that when the organization was created 25 years earlier, Zimbabwe was not yet independent. However, immediately after Independence, Zimbabwe was quick to recognize the need to be part of the organization, and soon after assumed membership and accepted responsibility to host the organization.

“Our commitment is hinged on the understanding that Industrial Property is very crucial in technological development of our countries and that Patents, Industrial Designs and Utility Models which are governed by ARIPO at a regional level, are specifically designed to protect ideas and technologies and therefore very crucial in technology transfer, adoption and development, whereas trademarks are designed to identify enterprises in relation to goods and services and therefore crucial in quality assurance and consumer protection.”

Vice President S.V. Muzenda speaking at the 25th Anniversary of ARIPO on 10 December 2001

“The importance of Intellectual Property cannot be over emphasized. Its vitality for development is clearly spelled out by its inclusion within the framework of the Uruguay round on multilateral trade negotiation, which adopted the Marrakech agreement that established the World Trade Organization (WTO).

“Trade has as its key component Intellectual Property and it is common knowledge that the subject of Intellectual Property is a subject which breeds a lot of controversy, with likelihood of escalating tensions between the Intellectual Property Rights Holders of the North and the recipients of the developing South, in particular with respect to the protection of drugs, such as HIV drugs, antibiotics for anthrax etc, that attracts high prices unaffordable by the developing countries. Therefore, in dealing with such matters, Regional Institutions such as ARIPO become very crucial. The need therefore to adequately support the Organization such as ARIPO becomes paramount.

“Time and again we have heard of member states, failing to meet their obligations, we have also heard of countries that continue to retain the status of being potential member states, many of whom are represented here today. Perhaps it is now time to see light and simply join the Organization and those that are in arrears should clear their arrears.

“Mr. Chairman, I do not want to spoil your event by acting like a debt collector. I merely want to appeal for your support to the Organization so that the dreams of the founding fathers of the Organization become a reality. It is only through concerted efforts that we can overcome a lot of ills that bedevil our continent. The Concept of Regional Co-operation on Intellectual Property is a very crucial one, particularly now when we are confronted with Globalization.

“Such a co-operation is not only limited to developing countries. Developed countries have also come together to form Regional Cooperation. The good examples are those organizations that are represented here today such as the European Patent Office [EPO], the Eurasian Patent Office, [EAPO] the Office for Harmonization in the Internal Market [OHIM], and the African Intellectual Property Organization [OAPI] in our continent.”

25 Years of ARIPO, ARIPO, 2001





After celebrating its Silver Jubilee on achievement of 25 years in 2001 amid ceremonies and festivities in the ambience of its then newly acquired headquarters building, ARIPO has every reason to celebrate once more the attainment of a further 15 years of development culminating in the inauguration of its newly constructed headquarters complex which serves as a tribute to the noble objectives espoused by the founding fathers and mothers — and an inspiration to future generations of African innovators.

Expanding the Legal Framework

ARIPO@40 has been transformed into an organisation that is not limited to industrial property but has extended its mandate to include other aspects of Intellectual Property. The aspirations of the Lusaka Agreement have been developed into practical implementation through additional agreements, each focusing on a specific sector of intellectual property.

In addition to expanding and strengthening its human and physical infrastructure, ARIPO has also broadened the legal framework through adoption of the protocols that define its work.

The first was the *Harare Protocol on Patents and Industrial Designs*, adopted on 10 December 1982. A total of 18 of the 19 members are contracting states of the Harare Protocol. Only Somalia has not acceded.

The *Banjul Protocol on Marks* was adopted by the Administrative Council at Banjul, The Gambia on 19 November 1993. Of the 19 ARIPO members, 10 are contracting states of the Banjul Protocol to date.

The Diplomatic Conference of ARIPO, meeting at Swakopmund in Namibia on 9 August 2010, adopted the *Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore*, with the objective of protecting holders of traditional knowledge against any infringement of their rights and protecting expressions of folklore against misappropriation, misuse and unlawful exploitation. This protocol, which entered into force on 11 May 2015 after ratification by eight of the nine signatories.

The latest addition is the *Arusha Protocol for the Protection of New Varieties of Plants*, signed in Arusha, United Republic of Tanzania on 6 July 2015. The Arusha Protocol was signed initially by five member states and is now open for ratification.

ARIPO has capacity to administer applications for patents, utility models and industrial designs in member states who are party to the Harare Protocol (patents); trademarks for the Banjul Protocol members; traditional knowledge and folklore for members of the Swakopmund Protocol; and new varieties of plants for the future members of the Arusha Protocol.

Two Protocols in 2015

A highlight for the year 2015 was the entry into force of the Swakopmund Protocol for the Protection of Traditional Knowledge and Expressions of Folklore, on 11 May. The Protocol received eight ratifications from Botswana, The Gambia, Malawi, Namibia, Rwanda, Liberia, Zambia and Zimbabwe. The Protocol aims to protect the traditional knowledge and folklore of Africa and to ensure that same is properly utilized for the welfare of her people.

Another milestone was the successful conclusion of the Diplomatic Conference for the Adoption of the Draft ARIPO Protocol for the Protection of New Varieties of Plants, which was held in Arusha, in the United Republic of Tanzania on 6 July 2015. This will be known as the Arusha Protocol and aims to enhance agricultural productivity, innovation and development in the member states. The new Protocol received an initial five signatures from Ghana, Mozambique, São Tomé and Príncipe, The Gambia, and United Republic of Tanzania.

ARIPO Objectives

The ARIPO objectives, presented in Article III of the Lusaka Agreement as amended, show that cooperation on intellectual property is intended to achieve technological advancement for economic and industrial development of the members. This cooperation is reflected in the objectives of the organization, and the Secretariat is mandated to carry out these functions, which are:

1. to promote the harmonization and development of the intellectual property laws, and matters related thereto, appropriate to the needs of its members and of the region as a whole;
2. to foster the establishment of a close relationship between its members in matters relating to intellectual property;
3. to establish such common services or organs as may be necessary or desirable for the co-ordination, harmonization and development of the intellectual property activities affecting its members;
4. to establish schemes for the training of staff in the administration of intellectual property law;
5. to organize conferences, seminars and other meetings on intellectual property matters;
6. to promote the exchange of ideas and experience, research and studies relating to intellectual property matters;
7. to promote and evolve a common view and approach of its members on intellectual property matters;
8. to assist its members, as appropriate, in the acquisition and development of technology relating to intellectual property matters;
9. to promote, in its members, the development of copyright and related rights and ensure that copyright and related rights contribute to the economic, social and cultural development of members and of the region as a whole; and,
10. to do all such other things as may be necessary or desirable for the achievement of these objectives.

Expanding the Physical Space

ARIPO has, over the past 40 years, acquired its own property and continued to develop and expand its headquarters complex to be officially inaugurated on 10 December 2016 as part of a ceremony to celebrate the 40th Anniversary.

In that period, ARIPO has expanded to 19 members, including two members that are not English-speaking, Mozambique and São Tomé and Príncipe, and its first Director-General from a non English-speaking country — in fulfillment of its vocation to become a Pan-African organization.

In that period too, ARIPO has faced challenges and hurdles, especially financial hurdles, in addition to its achievements. Yet, due to the dedication of its members, leadership and staff, the organization has flourished in the scope of its activities as well as in its staff establishment and its headquarters infrastructure.

It is clear from the above objectives that the common thread running through them is the idea of cooperation. The concept of cooperation plays an important role in all aspects and functions of the organization. Cooperation is the key to ARIPO's achievements to date.

Advantages of Pooled Resources

The countries that today comprise ARIPO's membership faced similar challenges of using precious resources for activities that had to be undertaken separately in each country — each industrial properties office performing operations that were duplicates of identical operations undertaken by other states of the region. Such duplication of procedures and efforts was costly to the seeker of legal protection for an industrial property right and also to the industrial property offices.

Therefore, those involved in industrial property administration in independent African countries reasoned that if a central office was established to which each of these countries assigned some of the responsibilities and powers of its patent office, the problem of costly duplication could be resolved and many other advantages accrued. At the time, the region was competing with the rest of the world for resources available at the World Intellectual Property Organization (WIPO) for training personnel and so the creation of a regional centre would ensure a self-tailored system for such training.

A central facility could support the harmonization and development of laws and practices in the field, and indeed the first objective of the organisation was the harmonisation and development of IP laws. The first ARIPO committees established sought to develop model laws to serve as bases for harmonisation.

Forty years ago the founding fathers and mothers conceived the idea of pooling resources for regional cooperation in the field of Industrial Property. It is therefore necessary to mention the personalities who participated in the founding of the organization now called the African Regional Intellectual Property Organization (ARIPO).

Founding Fathers and Mothers of ARIPO

These were the officials who were accredited by their respective governments to represent their countries in the negotiations that resulted in the signing of the Lusaka Agreement on 9 December 1976. While they may not have appended their signatures to the Lusaka Agreement, a function reserved for the heads of their respective delegations, who in most cases were government ministers, these were effectively the people involved in the negotiations leading to the creation of ARIPO.

Country	Name	Title
The Gambia	W. G. Grante	Legal Sector and Acting Solicitor General
The Gambia	R. S. Gabasi (Mrs)	Assistant Registrar, Attorney General's Chambers
Ghana	P. H. Abbam	Registrar General
Ghana	Dominic M. Mills	Registrar General
Kenya	D. J. Coward	Registrar General
Kenya	Joseph N. Kingarui	Deputy Registrar General
Lesotho	Tebogo Kikine (Mrs)	
Malawi	M. A. Muhoni	Registrar General
Malawi	M. N. Musiska	Deputy Registrar General
Mauritius	A. J. Pillay	Principal Crown Council, Attorney General's Chambers
Sierra Leone	Serimati Koroma (Mrs)	
Somalia	Adam Achmed Mahmoudi	Legal Advisor and Registrar of Patents and Trademarks
Somalia	M. I. Singh	Legal Advisor, Ministry of Industry
Tanzania	Richard Mungurwi	
Uganda	A. G. Ndagije Mugarura	Acting Registrar General
Uganda	A. E. Kaboggoza-Musoke (Mrs)	Assistant Registrar General
Uganda	Jeremiah H. Ntabgoba	Judge
Zambia	G. E. Harre	Registrar of Companies
Zambia	Anderson Ray Zikonda	Deputy Registrar of Companies
Botswana		



Five Directors General

At the helm of the ARIPO Secretariat, leadership of the organization is entrusted to a Director General recruited from the member states.

Speaking during the 25th Anniversary in 2001 the then Director General, Mzondi Chirambo said, “During the last twenty-five years ARIPO has had two Directors General. I am the third in line. ARIPO sees fit to pay tribute to these two Directors General.

“They are Justice Jeremiah H. Ntagoba who was Director General from 1981 to 1988 and Mr. Anderson Ray Zikonda who served as Director General from September 1, 1988, to December 31, 1996. These two men have outstanding leadership capabilities.

“The foundation that they laid for ARIPO is sometimes not appreciated by many. However, since I have been Director General only for five years I have never ceased to wonder at the strength of character that these two men showed during some of the most difficult times that ARIPO faced and they came out shining. Today it’s really their day.”

At its 40th Anniversary, the head of the Secretariat and Director General of ARIPO is Fernando dos Santos, a national of Mozambique and an IP professional who continues to provide ARIPO with exemplary leadership as did his predecessor, Gift Sibanda from Zimbabwe.

From that day in 1981 when Ugandan Judge Jeremiah Herbert Ntagoba, arrived in Harare to establish the headquarters of ARIPO, member states Zambia, Malawi, Zimbabwe and now Mozambique have each availed their most distinguished specialists in a field that had produced no outstanding experts at the time when the Lusaka Agreement was signed in the Zambian capital on 9 December 1976 to signal the naissance of ARIPO.

Beyond 40 Years to the Future

ARIPO infrastructure has flourished from its humble beginnings when the host government provided accommodation until the organization began to develop its own premises in 1999, now reconstructed into a future-oriented modern headquarters that meets the needs of member states, clients and staff.

The inauguration of the new headquarters complex serves as a tribute to the noble objectives espoused by the founding fathers and mothers — and an inspiration to future generations of African innovators.

Over the past four decades ARIPO has gone through various stages of development and has overcome many challenges, especially financial, in the early days, now having grown to provide African countries with the possibility of obtaining patent protection, as well as patent documentation and information, on a multi-country basis.



From left, Directors General Justice Jeremiah Ntagoba; Anderson Zikonda; Mzondi Chirambo; Gift Sibanda; and Fernando dos Santos.

Directors General of ARIPO

Name	Term	Country
Jeremiah Ntagoba	1981 – 1988	Uganda
Anderson Zikonda	1988 – 1996	Zambia
Mzondi Chirambo	1997 – 2004	Malawi
Gift Sibanda	2004 – 2012	Zimbabwe
Fernando dos Santos	2013 – Present	Mozambique

ARIPO 2016

Both of these functions constitute a major step forward in maximising the benefits that ARIPO members can derive from the Intellectual Property system for economic development, notably technology transfer.

In a knowledge-based society, Intellectual Property has impact in diverse areas such as trade, investment, food, health, culture, science and technology. The establishment of ARIPO has also contributed to the implementation of the Universal Declaration of Human Rights, through its recognition of Intellectual Property Rights as an intrinsic human right for the promotion of creativity, economic and social progress.



The Director General of ARIPO, Mr Fernando dos Santos from Mozambique (right), shown with the Founding Director General of ARIPO, Mr Justice Jeremiah Ntabgoba, in Kampala, Uganda.

This book *ARIPO@40* commemorates the 40th anniversary and traces some of the steps that culminated in the achievement of this status of ARIPO, as currently constituted. The publication is designed to provide a well-illustrated overview and a historical perspective, as well as a narration of its key activities, challenges and achievements in the field of Intellectual Property.

In order to construct a comprehensive narrative about the development of ARIPO, in-depth research was undertaken by the Southern African Research and Documentation Centre (SARDC) which produced this publication for ARIPO. Interviews were conducted with all five of the Directors General – Mr. Justice Jeremiah Herbert Ntabgoba in Uganda; Justice Ray Anderson Zikonda in Zambia; Advocate Mzondi Havilland Chirambo in Malawi; and Gift Huggins Sibanda in Zimbabwe, as well as the incumbent and 5th Director General, Fernando dos Santos from Mozambique, who has the executive authority to lead the organization to 40 years and beyond.

Value and growth transformation are the strategic focus for ARIPO going forward as it celebrates 40 years of achievements on 9 December 2016 — truly an African success story.

Getting started...

2

Founding Director-General 1981-1988

Mr Justice JH Ntabgoba from Uganda

THE EMERGENCE and development of ARIPO over the past four decades became reality through the service, expertise and dedication of Intellectual Property professionals from various member states.

A total of five Directors General have served ARIPO over the past 40 years with flair and a singular determination to succeed, inspired by their predecessors and building on the institutional and legal foundation established during the tenure of the founding Director-General, Justice Jeremiah Herbert Ntabgoba of Uganda, who served from 1981-1988, now a retired Principal Judge of the High Court of Uganda.

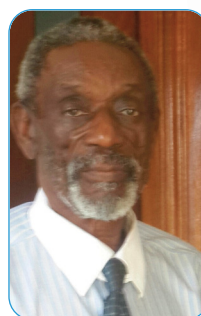
Speaking at the 10th anniversary of ARIPO, Justice Ntabgoba said that during the first 10 years the organization went through several stages of development and “like all organizations of its type, it experienced several ups and downs.” However, he predicted a bright future.

“This hope for a prosperous ARIPO in the years ahead is strengthened by its present activities performed through a viable Patent Documentation and Information Centre, and the ARIPO Harare Protocol.”

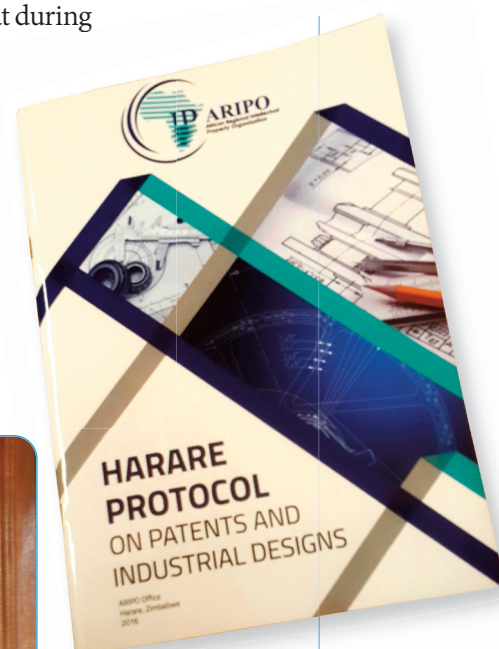
Looking back over the years, Ntabgoba, now 80, says ARIPO was only an idea in his head when he arrived in Harare in 1982, accompanied by his wife and their new baby delivered in Nairobi while the couple was preparing to depart for Harare. As they were packing up to travel to Zimbabwe, Mrs Ntabgoba went into labour and was rushed to hospital in Nairobi where she delivered a baby boy. After her discharge from hospital three days later, the family proceeded to Harare.

Speaking on the occasion of the 25th anniversary in 2001, Justice Ntabgoba referred to himself as the “mother” of ARIPO because he had given life and flesh to the organization and nurtured it until he handed over to his successor, ARIPO’s second Director-General, Anderson Zikonda from Zambia.

“The organization was very fortunate to have as its first Director-General, that very able and learned Judge, Mr. Justice Ntabgoba from Uganda.”
— Dominic M. Mills,
former Registrar-General
of Ghana and first
Chairman of the
Administrative Council of
ARIPO



First Director-General
Justice Jeremiah Ntabgoba



Justice Ntabgoba returned to Uganda where he was appointed to the judiciary.

There is nothing about Ntabgoba's simple demeanour that suggests his role in the vision and development of this important intergovernmental organization that touches the lives of all of its inhabitants, with responsibility for establishing the cooperation that now exists among 19 African members in intellectual property matters, a field that hardly existed when Jeremiah Ntabgoba was going to school in south-western Uganda.

Now he walks carefully with the aid of a walking stick and says he has a problem with his eyesight, but Justice Ntabgoba still manages to put in the occasional full day of work as an IP consultant with a leading firm of lawyers in Kampala.

He recalls that in the 1970s he was one of only two indigenous Registrars General in English-speaking Africa, the other one being Ben Prah in Ghana. Joseph King'arui and Anderson Zikonda were Deputy Registrars General in Kenya and Zambia, respectively.

The Registrars General represented their countries on the governing bodies of WIPO's Paris Convention on the Protection of Industrial Property, and spoke for their countries in the WIPO conferences. It was during that period that the idea of forming a Regional Industrial Property Organization for English-speaking Africa was conceived at workshops in Nairobi, Kenya; Addis Ababa, Ethiopia; and Geneva, Switzerland under the auspices of WIPO and UNECA.

The representatives of African nations were motivated by a desire for the countries to pool their resources in the administration of an industrial property system, which none could afford to administer alone in view of the expensive demands in terms of funding and manpower resources, as well as technical knowledge.

At the time when Ntabgoba arrived in Harare there was initially no office and no funds for running the organization. The Government of Zimbabwe made office space available, and Ntabgoba raised funds. He says his greatest challenge in seeking to establish ARIPO was that of fund-raising.

"Implementing the idea in the absence of funds was the greatest challenge facing me," he says pensively. "If you have money very few other challenges arise. I feel very proud when I think of those early days. ... Robert Mugabe was then the Prime Minister of Zimbabwe and he gave me some little money of his own."

Justice Ntabgoba says he recently met President Mugabe at State House in Entebbe, Uganda. "He said, 'You are still alive?' and I said, 'You are older than me; if you are still alive then I am still alive. I am 80 and you are 92.' He remembered me from Harare. I am very very grateful to President Mugabe. For a Head of State to listen to my ideas and say it is very interesting, let us try it — this was very important. The fact that ARIPO started in Harare was partly to do with Mugabe himself. His response was positive."

Ntabgoba says at the beginning he sought and received much advice from WIPO officials, especially the Director General, Dr Bogsch and his deputy, and another official, Ferdinand de Laet who played "an important advisory role as a friend of ARIPO," notably in supporting the establishment of the Patent Documentation and Information Centre.



The founding Director General said, although WIPO and UNECA were supportive in very many ways, they did not provide direct financial support to the fledgling organization. In fact, he says he too had to make some contributions from his own personal financial resources.

“I had retired as a judge so I had money of my own,” he says. “I give away too much money, that is why I am so broke now. My wife also had money. She had been a Member of Parliament. I don’t remember how much, but we made personal contributions to ARIPO for running expenses. Nobody ever refunded me. I was ARIPO, so who would refund me?”

Ntabgoba says that a Zimbabwean, Gift Sibanda, was the first IP expert that he recruited. Sibanda had trained in the Soviet Union and worked in the Registrar General’s office in Harare. Many years later, in 2005, Sibanda became the fourth Director General of ARIPO.

Ntabgoba says a total of seven members had been registered with ESARIPO by the time he was appointed as Director General on 1 June 1981. “The Gambia, Ghana, Kenya, Malawi and Zambia had all become members on 15 February 1978, following the deposit of instruments of ratification by those five countries. Uganda became a member in May, while Sudan joined five months later in August 1978.”

After he settled down in Harare, he went on a tour of various countries canvassing for them to join, and he says that no country that he visited ever turned down his proposal.

Seven more members joined ARIPO during Ntabgoba’s first four-year term of office – Botswana registered in February 1985, Lesotho (July 1987), Sierra Leone (December 1980), Somalia (March 1981), Swaziland (December 1987), United Republic of Tanzania (October 1983) and Zimbabwe, which enlisted in November 1980, seven months after attaining independence.

By the end of his second term of office in 1988, the total membership of ARIPO had grown to 14 members.

“I am grateful that ARIPO is still going on,” said Ntabgoba during an interview in Kampala in June 2016. “I want to see the organization continue to prosper in future. ARIPO has to move with the times and I believe they are moving with the times.

“The current Director General Fernando dos Santos visited me in Kampala. He was accompanied by another longstanding ARIPO official, Mr Christopher Kiige, now Director of Intellectual Property. I got the impression from them that ARIPO is, indeed, doing just that – moving with the times.

“I am informed by my two eminent successors, Mr. Anderson Zikonda and Mr. Mzondi Chirambo, that the host Government’s assistance and cooperation has never waned. I must doff my hat for the kindness, generosity and cooperation of the Government and great people of the Republic of Zimbabwe, and I do the same for the patience and resilience of my successors who spared no effort in seeing ARIPO grow to maturity.

“I have reserved special accolade for WIPO which I described as the father of ARIPO, the adult son. Without WIPO, and in particular its eminent members of staff like Kamil Idris, Marino Porzio, Ibrahim Thiam, James Quashie-Idun and Geoffrey Onyeama.



“There must have been several others who featured after my departure. Otherwise ARIPO would not have survived until now.”

Jeremiah Herbert Ntabgoba was born on 21 July 1939 of Rwandan parents, in Bunagana in the southern part of the western region of Uganda. He acquired a Bachelor of Laws degree from the University of East Africa in Dar es Salaam, Tanzania in 1966. He was certified in Intellectual Property in Australia.

Between 1973 and 1978 he was the Registrar General, administrator general, public trustee, and official receiver of the Government of Uganda. He was appointed Judge of the High Court in Kampala, serving from 1978 to 1981. Thereafter he became the first Intellectual Property expert to serve as Director General of the African Regional Industrial Property Organization in Harare, Zimbabwe for the period from 1981 - 1988. On returning to his country, he was appointed Principal Judge of the High Court from 1989.

Ntabgoba is the author of a book titled *In Search of Relevant Technology for Africa* (1985) and another, *Department of a Magistrate*, which was published in 1991. He also contributes articles to legal publications.

The Government of Uganda bestowed the Distinguished Service Medal on Ntabgoba in 1976, and more recently he received a Certificate of Recognition for his service to Uganda and its people. Now he spends some time at the offices of Kampala Associated Advocates, where he advises on Intellectual Property and other legal issues. He also helps with the training of young lawyers attached to the firm on internship. He is also proud of his farm near Kampala, where he says he “keeps cattle, fish, goats and chickens”.

Ntabgoba says his wish is to see ARIPO continue to prosper in future. He says he regrets, therefore, that he cannot manage to attend the 40th Anniversary celebrations due to ill health.

Asked what he would do differently if he were to start all over again at ARIPO, his answer was a terse, “Nothing.”

Jeremiah Herbert Ntabgoba Conference Room

On 15 February 2006, on the occasion of the inauguration of the ARIPO Regional Training Centre (now ARIPO Academy) the organization and its members paid tribute to Justice Ntabgoba for his eight years of service as the founding Director General from 1981 - 1988. The citation reads:

“Justice Ntabgoba served ARIPO and its Member States with extraordinary insight, compassion and selflessness, qualities which enabled him to lay a firm foundation for the growth and development of the organization. His outstanding contributions during the formative years of the organization have led to the progressive development of the organization and Intellectual Property within the member states of ARIPO and in Africa.

“During his tenure of office, Justice Ntabgoba contributed to the drafting of model laws on intellectual property for English-speaking African countries and took part in the preparation of the Lusaka Agreement. He facilitated the adoption of the Protocol on Patents and Industrial Property and established competent organs that provided right policies for the organization.”

In recognition of Ntabgoba's immense contribution to the development and protection of Intellectual Property, ARIPO honoured him as the first Director General by naming the conference room of the ARIPO Regional Training Centre as the **Jeremiah Herbert Ntabgoba Conference Room**.





Membership and Governance

“The Governments on whose behalf this Agreement is signed,

Being aware of the advantages to be derived by them from the effective and continuous exchange of information and the harmonization and coordination of their laws, policies and activities in intellectual property matters,

Recognizing that the creation of an Africa regional intellectual property organization for the study and promotion of and co-operation in intellectual property matters in collaboration with the Economic Commission for Africa, the World Intellectual Property Organization and other appropriate organizations would best serve this purpose...”

Preamble to the Lusaka Agreement

Membership of ARIPO

The Lusaka Agreement set the framework for co-operation to be at the core of ARIPO, cooperation among the member states in Africa, and cooperation with national and international bodies.

Advantages of ARIPO Membership

ARIPO membership covers a total area of almost seven million square kilometres with a population of more than 200 million inhabitants. Membership therefore opens up new markets for member states, while at the same time improving their investment climate and encouraging access to technical information particularly that contained in patent documents.

Membership of ARIPO has advantages for member states and individual users, whether corporate or persons. As the organization was formed to pool resources and thus avoid duplication of human, material and financial resources, member states enjoy the benefits of economies of scale. This, in turn, releases scarce national resources of each member state to use for more pressing needs for the benefit of citizens.

A total of 18 of the 19 ARIPO member states are party to the Harare Protocol and are also signatories to the Patent Cooperation Treaty (PCT) governed by WIPO.

As the Harare Protocol is linked to the PCT, these states are opened to the flow of patent applications available through the PCT realm. This means more applications from abroad designating these states, more jobs in the industrial property offices to meet this increased flow, and higher national income em-



Inter-regional Seminar on Intellectual Property for Heads and Senior officials of National Intellectual Property Offices of ARIPO Member States held on 17 November 2011 in Qingdao, China

anating from the Harare Protocol. In fact, the current annual earning of each contracting state from the Harare Protocol enables it to settle ARIPO membership subscriptions without a call on its national treasury and still leave a reasonable balance which is used by each member state for the development of its national intellectual property system.

The ARIPO regional system complements the national intellectual property system of its member states. The sovereignty of member states is, therefore, preserved wherein each state which is designated has a significant say, subject to appeal, as to whether any industrial property right given by ARIPO would have effect in the state concerned.

It is an advantage that applicants can choose between the ARIPO route or the national route as the channel for filing their applications. For individual users, the ARIPO route saves costs, since the focus of deployment of these resources is only one application, one central process and one attorney, simultaneously extended to the number of Harare Protocol Contracting States designated.

Other advantages to any state becoming a member of ARIPO are: increased use of local industrial property system by foreign applicants;

- ❖ participation in regional services and systems, thus improving the management of national industrial property systems;
- ❖ support in the development of IP laws and policies;
- ❖ infrastructural and IP-related technological support services;
- ❖ institutional support for IP-related bodies in the country and receipt of financial benefits through operation of the ARIPO protocols: on patents and industrial designs, marks, and the protection of traditional knowledge and expressions of folklore.
- ❖ participation in ARIPO committees and meetings of the organs of ARIPO;
- ❖ participation in development cooperation activities with ARIPO strategic partners; and,
- ❖ development of regional framework for protection of traditional knowledge, genetic resources and expressions of folklore.

Obligations

In terms of Article XI of the Lusaka Agreement, members undertake to take all steps necessary to give effect to the agreement and, in particular:

- ❖ to pay annual contributions;
- ❖ to pay such special contributions determined by Council of Ministers;
- ❖ to facilitate the exchange and dissemination of information; and,
- ❖ to provide training and research facilities and personnel for the organization on terms and conditions agreed with the appropriate organ.

ARIPO Members

ARIPO has 19 member states as of 31 July 2016, comprising 35 percent of members of the African Union. All members but one have ratified or acceded to the Harare Protocol, and this table shows the status for other Protocols, including signatories to the Arusha Protocol which has not yet entered into force. Most members are English-speaking countries, due to the origins of the institution, but membership has broadened to include Mozambique and São Tomé and Príncipe which joined in 2000 and 2014, respectively.

Country	Lusaka Agreement	Harare Protocol	Banjul Protocol	Swakopmund Protocol	Signatories to Arusha Protocol
Botswana	6 February 1985	6 May 1985	29 October 2003	11 May 2015	•
The Gambia	15 February 1978	16 January 1986	•	11 May 2015	6 July 2015
Ghana	15 February 1978	25 April 1984	•	•	6 July 2015
Kenya	15 February 1978	24 October 1984	•	•	•
Lesotho	23 July 1987	23 October 1987	12 February 1999	•	•
Liberia	24 December 2009	24 March 2010	24 March 2010	•	•
Malawi	15 February 1978	24 October 1984	6 March 1997	11 May 2015	•
Mozambique	8 February 2000	8 May 2000	•	•	6 July 2015
Namibia	14 October 2003	23 April 2004	14 January 2004	11 May 2015	•
Rwanda	24 June 2011	24 September 2011	25 March 2013	11 May 2015	•
São Tomé and Príncipe	19 May 2014	19 August 2014	•	•	6 July 2015
Sierra Leone	5 December 1980	25 February 1999	•	•	•
Somalia	10 March 1981	•	•	•	•
Sudan	2 May 1978	24 October 1984	•	•	•
Swaziland	17 December 1987	17 March 1988	6 March 1997	•	•
Tanzania	12 October 1983	1 September 1999	1 September 1999	•	6 July 2015
Uganda	8 August 1978	24 October 1984	21 November 2000	•	•
Zambia	15 February 1978	26 February 1986	•	11 May 2015	•
Zimbabwe	11 November 1980	24 October 1984	6 March 1997	11 May 2015	•

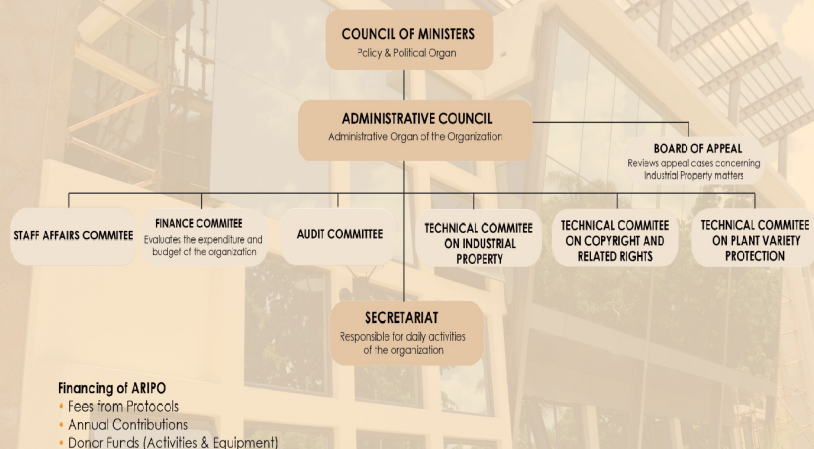
While Mauritius was a signatory to the Lusaka Agreement it did not ratify or accede to the agreement and therefore remains an observer state, a status shared with 11 other observer states, including Egypt, Nigeria and South Africa.

With the expansion of ARIPO's mandate to include additional protocols there are also obligations to put into effect the operations of these protocols, through domestication of the provisions of these protocols into national law, and then implementation.

Governance of ARIPO

The Lusaka Agreement, in Article II, establishes three organs of ARIPO. These are the Council of Ministers, the Administrative Council, and the Secretariat. The Administrative Council has established subsidiary bodies of its own – the Finance Committee, Audit Committee, Staff Affairs Committee and three technical committees—the technical committees on industrial property, copyright and plant variety protection. The Administrative Council amended the Harare Protocol to create a Board of Appeal as an independent organ.

Organs of ARIPO



Council of Ministers

The Lusaka Agreement provides for the composition and functions of the Council of Ministers. Membership of this council comprises government ministers of member states of ARIPO who are responsible for the administration of intellectual property laws in their countries.

As the supreme organ of ARIPO, the Council of Ministers is responsible for the policy orientation of the organization, and for resolving problems that, because of their nature, cannot be resolved by the next tier of authority below it, the Administrative Council. The Council of Ministers may delegate

some of its powers or functions to the Administrative Council.

The Council of Ministers meets once every two years. The first Council of Ministers met for the first time in Harare, Zimbabwe, on 13-14 April 1988. During this first session, the Council approved and adopted its Rules of Procedure, and mandated the Secretariat to carry out a study into a more equitable scale of assessment of contributions by its Member States.

During that first session, the Council of Ministers also expressed its appreciation to Justice Ntagoba, the outgoing Director General, for having started the Office of ARIPO and for steering the organization through difficult times during its inaugural period. The Council endorsed Justice Anderson Ray Zikonda as the new Director General and expressed the hope that he would discharge his duties with similar distinction to that of his predecessor.



First Council of Ministers meeting held in Harare, Zimbabwe from 13-14 April 1988

Administrative Council

In terms of the Lusaka Agreement, the Administrative Council consists of heads of offices dealing with the administration of intellectual property laws in member states of ARIPO.

The Administrative Council is subordinate and reports to the Council of Ministers. It is responsible for supervision of the implementation of policies set down by the Council of Ministers, the approval of programmes of activities and the budget of the organization, and monitoring progress, as well as the appointment of the Director General, with approval of the Council of Ministers.

The Administrative Council meets annually in an ordinary session, normally during the last week of November. However, the Council may convene an extra-ordinary session, when the need arises. The majority of these extra-ordinary sessions were convened to precede the sessions of the Council of Ministers for which they acted as preparatory meetings.

Women and men assigned by their governments to sit on the Council of Ministers, the highest policy-making body of ARIPO, or the Administrative Council, have been selected to chair those organs for the required period. As of 31 December 2015, the Administrative Council had met 39 times in ordinary sessions and nine times in extra-ordinary sessions.

Matters for consideration by the Administrative Council include the following:

- Formulation and direction of the execution of policy with respect to the activities of the organization;
- Approving the programme of activities, annual reports, budgets and accounts;
- Determining the annual and special contributions to be paid by the members, and related matters;
- Establishing the Secretariat of the organization and appointing the Director General;
- Establishing subsidiary organs as necessary or desirable for achieving the objectives of the organization and prescribing rules for the conduct of their affairs;
- Making rules governing the financial, administrative and other activities of the organization including those relating to co-operation with other states and organizations;
- Promoting research and studies on the implementation of the objectives of the organization;
- Giving direction to the Secretariat concerning its work, including the organization of conferences, seminars and other meetings on matters relevant to the objectives of the organization.

Finance Committee

The Finance Committee was established by the Administrative Council at its 17th Session held in Banjul, The Gambia, in November 1993. The committee meets annually to review the organization's financial statements, programme of activities and budget as well as to advise the Director General in the preparation of these before they are considered by the Administrative Council. The committee comprises five members of the Administrative Council, who are elected for a period of two years. Zimbabwe, as the host country, is an ex-officio member of the committee.

Audit Committee

The Administrative Council established a separate Committee for Audit from the then Finance and Audit Committee at its 38th Session, held in November 2014 in Victoria Falls, Zimbabwe. The function of the Audit Committee is to consider audit issues and to provide assurance that the oversight function is in place at the organization. This committee meets four times a year.

Staff Affairs Committee

The Staff Affairs Committee, constituted by the Administrative Council, advises the Council on matters relating to staff, such as recruitment, conditions of service, separation and benefits. The committee consists of members of the Administrative Council elected for two years. The host country, Zimbabwe, is an ex-officio member. The Staff Affairs Committee meets at the same time as the Finance Committee, so as to mutually and concurrently conclude with the latter any agenda items that have financial implications, thus requiring input from the Finance Committee. As of 30 June 2015, the Staff Affairs Committee had met a total of 13 times.

Chairpersons of the Administrative Council

1978 (May)	Mr B.W. Prah (Ghana)
1978 (December)	Mr Zaki Sir el Khatim (Sudan)
1979 – 1982	Mr D.M. Mills (Ghana)
1983 – 1984	Mr J.N. King'arui (Kenya)
1985 – 1986	Mr A.R. Zikonda (Zambia)
1987 – 1988	Mr W.B. Ndabandaba (Swaziland)
1989 – 1990	Mr M. Chirambo (Malawi)
1991 – 1992	Mr U. Masendu (Botswana)
1993 – 1994	Mr A. Ceesay (The Gambia)
1995 – 1996	Mr G. Lipimile (Zambia)
1997 – 1998	Mrs N. Pii (Lesotho)
1999 – 2000	Mrs N. Olembo (Kenya)
2001 – 2002	Mrs. E. Owiredi-Gyampoh (Ghana)
2003 – 2004	Mr E. Mahingila (Tanzania)
2005 – 2006	Mr K. Bisereko (Uganda)
2007 – 2008	Mrs S Mohau (Lesotho)
2009	Mr O. Batlhoki (Botswana)
2010	Mr C. Masena (Botswana)
2011 – 2012	Mr J. Harlley (Ghana)
2013 – 2014	Mr T. Bemanya (Uganda)
2015 – 2016	Mr A. Bwembya (Zambia)



Staff Affairs Committee of 2014



Technical Committee on Industrial Property of 2015

Technical Committee on Industrial Property

In order to facilitate the consideration of technical issues of this nature, with regard to ARIPO operations, this committee is entrusted to review them before they are considered by the Administrative Council. Some instances of such issues would be any proposed changes to an ARIPO agreement or promulgation of a new agreement.



Technical Committee on Copyright and Related Rights meeting of 2015

Technical Committee on Copyright and Related Rights

Due to the importance of copyright and related rights, and this subject's significant role in the mission of ARIPO, the 37th Session of the Administrative Council, which met in November 2013, established a Technical Committee on Copyright and Related Rights to review these technical issues before consideration by the Administrative Council.

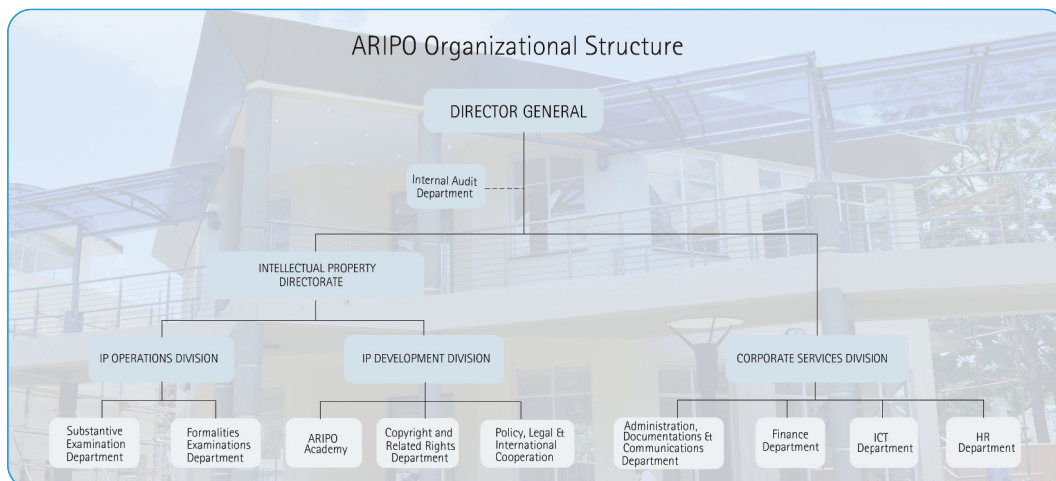
Technical Committee on Plant Variety Protection

This committee was initiated in 2016 following the adoption of the Arusha Protocol on the Protection of New Plant Varieties at a Diplomatic Conference held in Arusha, United Republic of Tanzania on 6 July 2015.

Board of Appeal

At its 21st Session, the Administrative Council established the Board of Appeal to hear appeals against decisions of the ARIPO Office made under any of the ARIPO protocols. For example, the Board heard two appeals in 2006 in which it accepted appeals and decided for the appellants. In accordance with the Harare Protocol, the Board consists of five persons experienced in industrial property matters, two of whom are examiners. At least one examiner must be present at all sittings of the Board. Although the Board is appointed by the Administrative Council, it is independent of all other organs of ARIPO. Members of the Board are appointed for two years. The Board became operational on 1 January 2000.

The Secretariat



The main responsibility of the Secretariat is to implement ARIPO's programme of activities, in accordance with the established objectives entrusted to it by both councils. The Secretariat is headed by a Director General who is the principal executive officer of the organization. Appointment to this position is made by the Administrative Council, with the approval of the Council of Ministers, for an initial period of four years, renewable once for another four years. The holder of this office must be a citizen of an ARIPO member state.

The ARIPO Secretariat (also known as the ARIPO office) is currently staffed by 46 people who are citizens of the following member states: Ghana, Kenya, Kingdom of Lesotho, Malawi, Mozambique, Namibia, Sudan, Uganda, United Republic of Tanzania, and Zimbabwe. Four interns are attached to the ARIPO office of which two are Zimbabwean nationals and the other two are from Mozambique and Tanzania. More than half of the staff and interns are women. The highest ranked women members of staff are the heads of the departments for Finance, for Copyright and Related Rights, and for Substantive Search and Examination.

Human Resources Management

The most important asset of ARIPO is its workforce. It forms the core of the organization enabling its programs and activities. The effective delivery of any organization lies in effective talent management as organizations continue to operate in a fast-changing environment and face external factors that impact on employee performance.

The coming in of the incumbent Director General in 2013 saw the urgent need to move the human resources functions away from being a passive provider of basic administrative services to be an active participant by developing new policies and systems to become a true business partner and source of trusted advice to the overall management and the governing bodies of ARIPO.

In 2014, a Human Resources Officer was recruited in order to deal with HR issues professionally, and a Human Resource Development (HRD) Plan was drafted. This was approved by the Administrative Council and integrated in the new Value & Growth Transformation strategy for the Strategic Plan 2016-2020. The HRD Plan provides the basis for the identification, recruitment and retention of a high performing workforce. A comprehensive review of the "Staff Rules and Procedures" was undertaken.

The development of the Value & Growth Strategic Transformation Plan 2016-2020 saw the need for ARIPO to renew itself and respond quickly to environmental and external factors that impact on employee performance and fundamentally determine the continued relevance of its regional services. Therefore the People and Organizational Transformation Strategy was developed that seeks to drive organizational excellence and growth through the strategic alignment of people management policies and practices, and through leveraging the strength of the people in pursuance of the ARIPO mandate.

ARIPO has also completed the process of organizational restructuring which provides the springboard for the effective implementation of the V&G Strategy. The new organizational structure provides for the following executive positions:

- ❖ Director General, who is the Head of the Secretariat;
- ❖ Director Intellectual Property, heading the IP Directorate;
- ❖ Three executives, each heading the IP Operations, IP Development and Corporate Services Divisions.

These are complemented by nine Heads of Department, each responsible for Search and Substantive Examination; Formality Examination; Policy, Legal and International Cooperation; Copyright and Related Rights; ARIPO Academy; Administration, Documentation and Communications; Finance; Information and Communication Technologies; and Human Resources.

The total staff establishment is 69 of which 46 of the positions are currently filled with qualified and experienced professional staff.

These recent changes correspond to improved internal business systems which reflect best practice and align ARIPO with international standards.

Professional Staff



Dos Santos, Fernando
(Director General)



Kiige, Christopher J.
(Director IP)



Sackey, Emmanuel K.
(IP Development Executive)



Kabare, John N.
(IP Operations Executive)



Mpanju, Flora K.
(Head: Substantive Search & Examination)



Bukhwele, Muziwoxolo
(Head: Administration, Documentation & Communication)



Fondo, Maureen (Head: Copyright and Related Rights)



Kaibe, Palesa S.
(Head: Finance)



Mhlakaza, Graham
(Head: Human Resources)



Njowola, Grey
(Head: Information & Communication Technology)



Pundo, Charles
(Head: Formality Examination)



Runiga, Pierre
(Head: Policy, Legal & International Cooperation)



Sabola, Byson
(Training Officer)



Shilongo, Letu
(Internal Auditor)



Ibrahim, Ahmed
(Senior Examiner)



Ramadhan, Said
(Senior Examiner)



Omiti, John F. O.
(Examiner)



Sun, D. Guk
(KOICA Automation Expert)



Shonge, Ramsey
(WIPO Automation Expert)

Intermediate Staff



Chiweza, Robert



Manjengwa, Naniso



Mukwenha, Irene



Pote, Beatrice



Sireu, Perpetua

General Staff



Antonio, Abraham



Charachimwe, Patrick



Chikuni, Maxwell



Chinoda, Abel



Chipise, Fungisai



Gatsi, Patricia



Hozheri, Claride



Jackson, Thomas



Kavaza, Netty



Mangena, Sandile



Moyo, Roseline



Mushananga, Barbara



Mutukudzi, Grace



Muzah, Maruva R.



Ndlovu, Dumisani



Nhlabano, Tendai



Nhokwara, Milos



Nyarumwe, Elias



Rewayi, Pedzisayi



Satumba, Charles



Shiri, Meloryn



Zaina, Lewis



Consolidating the gains...

Second Director-General 1988-1996

Justice Anderson Ray Zikonda from Zambia

“On arrival I found that Jeremiah Ntabgoba, the first Director General, had established ARIPO well,” says Zikonda. “It was a privilege for me to build on the foundation that he laid.”

THE RECORD of development of the Intellectual Property landscape in Zambia and the region would be incomplete without factoring in the professional contribution of Retired Judge Anderson Ray Zikonda at the office of the Registrar of Companies in Lusaka, who attended the founding meeting at which the historic Lusaka Agreement was signed in 1976, thus becoming one of ARIPO’s founding fathers. Ten years later he was elected Chairman of Council before becoming the second Director General of ARIPO in 1988.

Zikonda’s working career started in 1968, just a few years after his country’s independence, when he was appointed Assistant Registrar of Companies in the Office of the Registrar of Companies in the Ministry of Commerce and Industry in Zambia. This department has developed into the well-established and now very visible Patents and Companies Registration Academy (PACRA) with its headquarters at PACRA House in Longacres, Lusaka.

“I realized that in order for me to rise in this department I needed to have appropriate academic qualifications,” says Judge Zikonda. “So I studied for my law degree at the University of Zambia from 1974 to 1977.” In his capacity as Deputy Registrar of Companies he attended the Diplomatic Conference that approved the Lusaka Agreement on 9 December 1976.

When he graduated in 1977, Zikonda had returned to PACRA to become the first black Zambian to hold the post of Registrar of Companies, a position that he held until he was appointed Director General of ARIPO in 1988.



From left, Vaida Bunda Njobvu, Public Relations Officer of PACRA; ARIPO’s second Director General, Anderson Ray Zikonda; and Lucie Chansa-Kalonga, Manager, Compliance and Awareness of PACRA

He was the first African to obtain a Master's Degree in Intellectual Property, conferred on him by George Washington University in the United States in 1980.

Zikonda was appointed by member states to be Director General of ARIPO in 1988 and served two four-year terms to 1996. ARIPO was then housed in Bryanston House and he oversaw the move to bigger premises in Old Stable House along Fourth Street (now Simon Muzenda Street).

"The Zimbabwean Vice President, Hon. Emmerson Mnangagwa was two years my senior in the Faculty of Law at UNZA. Another Zimbabwean at the University at that time was David Zamchiya, who was a lecturer in the Faculty of Law. He was a brilliant lecturer.

"When I arrived in Harare 11 years later, he was Permanent Secretary in the Ministry of Justice, Legal and Parliamentary Affairs with Hon. Mnangagwa as Minister.

"Zamchiya welcomed me to his office when I arrived in Harare. He invited me to approach his office whenever I faced any difficulties."

At the time of his arrival, ARIPO consisted of a total of 10 members of staff – five professionals and five support staff.

Says Zikonda: "Jeremiah Ntabgoba, who served as the first Director General of ARIPO from 1981 to 1988 laid a very sound foundation on which I subsequently built the organization. I describe Judge Ntabgoba as a man of integrity, honesty and truthfulness. You cannot talk of ARIPO without mentioning Ntabgoba.

"The success of ARIPO derives from Ntabgoba's energy and wisdom. He is a unique person who paid a price in order for him to start as the first director of ARIPO. When he became the first Director General he sacrificed a life of luxury in Uganda in order to build this new institution from nothing. ...

"At the beginning ARIPO did not generate much in terms of revenue. The organization depended on contributions from member states at a time when very few member states honoured their contributions. The only four member states who paid their contributions regularly at that time were Botswana, Kenya, Zambia and Zimbabwe."

Achievements 1988 – 1996

Zikonda says a main achievement during his tenure of office as Director General was that ARIPO consolidated the systems for implementation of the Harare Protocol, which had entered into force in 1984 and empowered the ARIPO Office to grant patents and industrial designs as well as utility models on behalf of the protocol's 18 contracting states.

This meant that IP owners now had an avenue through which they would file one patent application to all or some member states of ARIPO. The Harare Protocol started to generate income for ARIPO member states.

The ARIPO office was also empowered to manage any other matter related to these functions and in pursuance of any other objectives of the Lusaka Agreement.

Applicants wanting their invention to be protected would file a patent application for a fee of \$150 to ARIPO, with \$50 paid to each of the countries where they wanted the patent to be protected. These fees became a major source of revenue for ARIPO, apart from the contributions made by the member states.

ARIPO does not generate revenue only from its member states. Non-members, including in the industrialized countries, register inventions in

ARIPO member states. In fact, says Zikonda, the bulk of applications for registration are received from the developed countries.

Another achievement in this period was the approval of the Banjul Protocol on Marks in the Gambian capital, Banjul, on 19 November 1993, which now has 10 contracting parties.

Another ARIPO achievement during Zikonda's tenure was the agreement concluded with the European Property Organization (EPO) based in Munich, Germany. The agreement entailed that EPO would fund roving seminars conducted in ARIPO member states, thus making it possible for ARIPO staff to visit member states to sensitize the authorities there about the importance of ARIPO and the protection of Intellectual Property.

ARIPO staff also conducted visits to African countries with observer status at ARIPO who are considered as potential member states. Between June and July 1995, for example, EPO-ARIPO roving seminars were conducted in Seychelles, Lesotho, Botswana and the newly independent Namibia. The mission to Seychelles, for example, took the form of a technical mission whose main objectives were to review the IP system, exchange data, determine training needs, and encourage Seychelles to become a member of ARIPO.

"Another achievement was that ARIPO reached agreements with the Austrian Patent Office which enabled that office to conduct patent examinations on behalf of ARIPO. ... As we sent applications for examination to this patent office we had to agree with Austria and EPO that they could confirm that ARIPO examinations were genuine and could stand the test of time."

Challenges

Zikonda says the major challenge of his time was that ARIPO did not have adequate staffing levels for the workload, due to the existing financial constraints. He says as Director General he developed a system whereby the five professional members of staff were encouraged to work as a team. Whatever the assignment was, one of the five was delegated to draft a paper on it. A meeting was then held where the other members would make a contribution or input.

Financial constraints were a major challenge. In the early stages of the organization ARIPO did not receive enough patent applications. Revenue generated from that source was therefore minimal. Some member states did not pay their annual contribution of \$27,000. Zikonda says he was grateful that Zimbabwe, the host country, and his own country, Zambia, always paid their contributions promptly. He says all funds were deposited in a Swiss bank account and there were benefits to be derived when funds were transferred into the organization's Zimbabwean bank account.

Anderson Ray Zikonda at his farm in Chibombo, near Kabwe, 80kms from Lusaka Zambia



When the ARIPO office was established in Harare in 1982, the government of Zimbabwe allocated its office space free of charge until ARIPO could establish its own offices. “I am proud that this happened during my tenure as Director General of ARIPO,” says Zikonda.

“I am humbled by the recognition accorded to me, in particular, by the current secretariat of ARIPO in recognizing the contributions made by the early Directors General of the organization. It is rare that we recognize the value or achievements of our predecessors in any endeavor.

“The current Director General, Fernando dos Santos, visited the PACRA offices in Lusaka. He made it a point that he would not return to Harare without paying a courtesy call on me at my farm in Chibombo, near Kabwe, about 80 kilometres out of Lusaka.

“When the Director General arrived at what I now call my palace, I was both humbled and greatly touched. I had never met him when I was DG yet he had the humility to extend his visit to Lusaka to include my residence in Chibombo. I was really touched.”

Zikonda says that since Dos Santos assumed office at ARIPO he has maintained communication with him on a regular basis. At the time of this interview, the DG had already extended an invitation to him to attend the 40th Anniversary commemoration of ARIPO in Harare in December.

“I wish him God’s blessings as he leads the organization in his second term,” said Zikonda during this interview in Lusaka. “I pray that his successors will be inspired similarly to recognize the role and contribution of the founder members of ARIPO.

“My desire is that ARIPO develops a culture of recognizing surviving founding fathers and inviting them to attend the meetings of the Administrative Council where they will add value to deliberations by making contributions on the basis of their wisdom and experience with the organization.”

Zikonda noted that the African Union invites former Presidents to their annual general meetings, and he said that ARIPO is now in a position to do the same because the organization is generating substantial revenue and is self-sustaining.

“ARIPO is now a very successful enterprise under the Lusaka Agreement,” he said.

Some of the previous directors, including Zikonda, have been recognized. Two sections of the ARIPO Academy building, the conference room and the library are named after two of them, the Jeremiah Herbert Ntabgoba Conference Room, and the Anderson Ray Zikonda Library, respectively.

On returning to Lusaka after his eight-year service to ARIPO in Harare, Zikonda opened a private legal practice. He was then approached by the Commonwealth Secretariat with the offer of a position to serve as legal advisor on IP in the Tonga Islands for 18 months, which he accepted.


On his return to Zambia, he was appointed to the bench as a Judge.

Looking back from retirement on his farm in Chibombo, Zikonda says to him ARIPO has become a shining example of African states collaborating with a common purpose to achieve success as a Pan-African organization.

“ARIPO is truly a success story which every one of its member states should feel proud of.”



Anderson Ray Zikonda Library



WIPO headquarters, Geneva

African Union headquarters,
Addis Ababa

5

International Cooperation

in the Field of Intellectual Property

Special Relationship with UNECA, AU and WIPO Lusaka Agreement, Article V

The Organization shall establish and maintain close and continuous working relationships with the United Nations Economic Commission for Africa, the World Intellectual Property Organization and the Organization of African Unity.

Cooperating States and Organizations Lusaka Agreement, Article VI

The Organization may co-operate with Governments of States not members of the Organization and with organizations, institutions and bodies other than those referred to in Article V of this agreement, (hereinafter referred to collectively as "Cooperating States and Organizations") which are desirous of assisting Organization or its members in achieving the objectives of the Organization.

THE AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO) is a regional institution established to facilitate the international protection of intellectual property whose jurisdiction covers a number of fields of intellectual property.

The international protection of intellectual property requires different types of cooperation that may extend to some or all of the steps involved in the processing of industrial property applications, whether and how many resources will be pooled, whether an international or regional office will be established and, if so, the extent of its jurisdiction.

There are a number of examples of international cooperation based on a common system for lodgement, examination and registration of industrial property titles, where the registration confers a bundle of individual national rights, subject to individual national objections and practice. Under such agreements a single application is lodged which is processed by a central authority to a standard agreed by member countries.

Upon registration of the relevant industrial property title by the central authority, a period of grace is provided to allow any national authority to object to the grant of protection for the title in its own territory. This period during which national authorities may object to the grant of protection on their territory enables member countries to retain a degree of national independence.

Special Relationships

WIPO and WWA

Cooperation with the World Intellectual Property Organization (WIPO) is governed by an agreement that was first concluded on 3 July 1981 and updated through subsequent agreements. This provides for development cooperation activities including training and seminars, and access to international meetings.

Since the establishment of ARIPO, the WIPO has provided legal and technical advice, joint workshops, assistance in organization of the ARIPO office, and the provision of patent documents in the form of paper, microfilm, CD-ROM, DVD-ROM, etc. as well as electronic equipment. A project for establishment of a patent documentation service was carried out by the International Bureau of WIPO between 1981-1986.

Cooperation with WIPO is further strengthened within the framework agreement of cooperation with the WIPO Worldwide Academy. Long distance learning has been established under this framework, including identification of universities for distance learning and practical courses on well-defined topics.



WIPO provides ARIPO with patent documents such as CD-ROMs and DVD-ROMs

UNECA

Cooperation with the United Nations Economic Commission for Africa (UNECA) was initiated in 1973 when UNECA and WIPO responded to the appeal by English-speaking, independent African countries to assist them in establishing a collective system to pool resources for the modernization, harmonization and development of their industrial property activities.

The two UN bodies jointly organized several meetings attended by those countries until the organization was established by the Lusaka Agreement on 9 December 1976. WIPO and UNECA were requested by the Lusaka Diplomatic Conference to continue to act as a joint Interim Secretariat until the new organization could establish its office.

UNECA was further requested to make the necessary preparations for establishment of a patent document centre in the framework of the regional office, and to seek financial assistance for this purpose. To consolidate the existing cooperation between ARIPO and UNECA, an agreement was concluded on 21 November 1981.

Cooperation with States and Organizations

In accordance with Article VI of the Lusaka Agreement, ARIPO may seek cooperation with governments of states that are not members, and with other organizations and institutions

that wish to assist ARIPO or its members to achieve their objectives. A full list of such agreements is shown in the following Table, and some examples are given here. This international cooperation is significant in promoting intellectual property systems and enabling African governments to utilize intellectual property as a tool for wealth creation, and technological, social and economic development.

Cooperation is established with the relevant national institutions in various countries, such as Australia, Brazil, China, Sweden, Russia, United Kingdom and United States of America among others, for the purpose of exchanging information and documentation, and specialists such as examiners and systems analysts, as well participation in joint projects of interest.



Hon. S. V. Mubako (left), who was the first Minister of Justice and Constitutional Affairs of independent Zimbabwe, shown later, signing the Supplementary Protocol with ARIPO Director General, Mr. A.R. Zikonda (seated next to Minister)

Cooperation with organizations and institutions facilitates standardization of laws and practices, the exchange of ideas and documentation, and alignment of technologies. The parties may attend workshops organized by the other, or participate in joint training programmes. The envisaged mood of cooperation is through consultation by the parties.

ARIPO has cooperation with organization in Europe such as EPO (European Patent Office) and EUIPO (European Union Intellectual Property Office, formerly OHIM); and in Asia with EAPO (Eurasian Patent Office). South-South cooperation includes agreements with INPI-Brazil and INPI-Mexico, which are the national institutes for industrial property in those countries.

ARIPO has cooperation agreements with other African organizations such as the following:

ARSO (African Regional Organization for Standardization)

This cooperation agreement was concluded in Mauritius in 1995, establishing a working relationship to promote regional integration in the field of standardization and industrial property. The agreement provides for the exchange of ideas and experiences in related matters, as well as training programmes, workshops, and missions.

COMESA (Common Market for Eastern and Southern Africa)

The agreement with COMESA provides for cooperation in matters of mutual interest such as the creation of a favourable investment climate through the protection of intellectual property; support services to research and development institutions; promotion of capacity building including increased awareness of the role of industrial property in trade and technological development; and promotion of indigenous technology through provision of incentives and dissemination of information.

OAPI (*Organisation Africaine de la Propriété Intellectuelle* / African Intellectual Property Organization)

Efforts to ensure closer cooperation between two African sister organizations, ARIPO and OAPI, were initiated from the early days of the ARIPO's establishment. Their agreement calls for strengthening cooperation, especially for joint programmes, awareness activities, exchange of expertise and documentation. OAPI is an intellectual property organization established by the Bangui Agreement of 2 March 1977 and headquartered in Yaoundé, Cameroon. OAPI has 17 member states, mainly French-speaking African countries, with the exception of Equatorial Guinea and Guinea Bissau which are Spanish- and Portuguese-speaking countries respectively.



Second Director General of ARIPO Mr. Anderson Ray Zikonda at INPI in Brazil



From left, Mr. J. Amand; Ms Ramandas; Mr. Mzondi Chirambo, third Director General of ARIPO; Mr. F. De Laet and Mr. G. Sibanda during an official visit to the EPO Office in Munich



Director General of ARIPO, Mr Fernando dos Santos (left) and Director General of OAPI, Dr Paulin Edou Edou during the Joint Commission meeting in Yaoundé, Cameroon held on 11 June 2015

Memoranda of Understanding and other Cooperation Agreements
Signed by Aripo and Cooperating Partners between December 1976 and November 2016

	MOU/ Agreement	Date of Signature
1	Republic of Zimbabwe Headquarters Agreement	10/12/1982 Harare, Zimbabwe
2	Republic of Zimbabwe (MOU, supplementary to Headquarters Agreement)	14/09/1992 Harare, Zimbabwe
3	USPTO United States Patent and Trademark Office	25/01/1985
4	WIPO, ARCT African Regional Centre of Technology and OAPI	22/07/1985
5	OIP Office for Invention and Patents of the German Democratic Republic	No date indicated
6	ESTC Ethiopian Science and Technology Commission	17/11/1994 Kampala, Uganda
7	ARSO African Regional Organization for Standardization	23/01/1995
8	SPRO Swedish Patent and Registration Office	20/11/1995 Kariba, Zimbabwe
9	Patent Office of the United Kingdom of Great Britain, Northern Ireland	20/11/1995
10	WIPO WWA World Wide Academy	07/05/1999
11	OHIM Office for Harmonization in the Internal Market	08/06/1999
12	EAPO Eurasian Patent Organization	13/12/2000
13	COMESA Common Market for Eastern and Southern Africa	12/03/2002 Harare, Zimbabwe
14	INPI/France Institut National de la Propriété Industrielle / National Institute of Industrial Property, France	31/03/2003
15	WIPO World Intellectual Property Organization (Consultations on Regional Automation Coordination)	13/05/2004
16	IMPI Mexican Institute of Industrial Property	30/09/2005
17	OAPI Organisation Africaine de la Propriété Intellectuelle / African Intellectual Property Organization	09/2005 Yaoundé, Cameroon
18	IFRRO International Federation of Reproduction Rights Organization	26/06/2006 Geneva, Switzerland
19	ARIPO, IPI Portugal and INPI Mozambique	09/10/2006 Maputo, Mozambique
20	EPO European Patent Office	No date and venue indicated
21	EPO European Patent Office	27/01/2007 Johannesburg, South Africa
22	SIRDC Scientific and Industrial Research and Development Centre	2007 Harare, Zimbabwe
23	SIPO State Intellectual Property Office of the People's Republic of China	04/07/2007 Beijing, China
24	AU / WIPO Africa University and World Intellectual Property Organization	26/03/2008 Harare, Zimbabwe
25	ARIPO, JPO Japan Patent Office, and OAPI	29/05/2008 Yokohama, Japan
26	PACRO Patents and Companies Registration Office	04/09/2008 Lusaka, Zambia
27	WIPO World Intellectual Property Organization	02/10/2008 Geneva, Switzerland
28	KIPO Korean Intellectual Property Office	16/10/2010 Seoul, Korea
29	ROSPATENT Russian Federal Service for Intellectual Property, Patent and Trademarks	09/11/2010 Geneva, Switzerland
30	NUST National University of Science and Technology, Zimbabwe	No date indicated
31	NIPA National IT Industry Promotion Agency, Korea and WIPO	15/12/2010 Seoul, Korea
32	SAIC State Administration for Industry and Commerce of the People's Republic of China	31/03/2011 Harare, Zimbabwe
33	KIPO (Korean Intellectual Property Office) and WIPO - Multilateral	27/09/2011
34	OHIM Office for Harmonization in the Internal Market	30/11/2011
35	IP Australia Intellectual Property Office of Australia	10/02/2012
36	Directorate General for Agriculture and Rural Development of the European Union	26/11/2012
37	IP Australia Intellectual Property Office of Australia	07/03/2014
38	OHIM Office for Harmonization in the Internal Market (Addendum to MOU of 30/11/2011)	04/07/2014
39	SAIC State Administration for Industry and Commerce of the People's Republic of China	08/09/2014 Harare, Zimbabwe
40	NORCODE Norwegian Copyright Development Association	07/11/2014 Harare, Zimbabwe
41	IP Australia Intellectual Property Office of Australia	23/03/2015
42	SIPO State Intellectual Property Office of the People's Republic of China (Plan of Action for Bilateral Cooperation 2015-2016)	22/6/2015 Harare, Zimbabwe
43	INPI/ Brazil Instituto Nacional da Propriedade Industrial / National Institute of Industrial Property, Brazil	09/10/2015
44	GNIS Groupement National Interprofessionnel des Semences et Plants (French National Seeds and Seedlings Association)	13/04/2016 Harare, Zimbabwe
45	IPT Industrial Property Tribunal of the Republic of Kenya	14/04/2016 Harare, Zimbabwe
46	EU IPO European Union Intellectual Property Office [formerly OHIM]	03/10/2016 Geneva, Switzerland
47	Ministry of Culture of the United Mexican State represented by INDAUTOR The National Institute of Copyright	06/10/2016 Geneva, Switzerland





The third Director General of ARIPO, Mr Mzondi Chirambo (right) at the ARIPO headquarters during the 25th anniversary in December 2001 with Guest of Honour, Vice President of Zimbabwe, Dr Simon Muzenda, and at left, the Minister of Justice, Legal and Parliamentary Affairs, Hon. Patrick Chinamasa.

Another leap forward...

Third Director-General 1997-2004

Advocate Mzondi Chirambo from Malawi

“The successes of ARIPO are due mainly to the calibre of Chief Executive Officers it has had since its inception in 1976. ...As it enters the new millennium, ARIPO is blessed with a dynamic and visionary leadership in the person of Mr. Mzondi Chirambo. Mr. Chirambo has brought to ARIPO well-focused policies. His intellectual capacity has transformed ARIPO into a dynamic organization. It is during this time that notable successes of ARIPO have been realized. — Hon. Refiloe Masemene, Minister of Law, Order and Constitutional Affairs in the Kingdom of Lesotho, Chairman of ARIPO’s Council of Ministers

SPEAKING AT THE 25th Anniversary of ARIPO on 10 December 2001, Lesotho’s Minister of Law, Order and Constitutional Affairs, Hon. Refiloe Masemene, who was then Chairman of ARIPO’s Council of Ministers, described the leadership of the organization under its third Director General, Advocate Mzondi Chirambo, as dynamic and visionary.

“Our being here today is yet another success story achieved by ARIPO under the leadership of its current Director General,” Hon. Masemene said, before listing the milestones achieved during Mr Chirambo’s tenure in office:

- an increase in the membership of ARIPO;
- a significant increase in the revenue collected;
- expansion of the mandate of ARIPO beyond “traditional” norms of Intellectual Property to consider emerging issues such as traditional knowledge;
- the ongoing revision of regulations governing the Secretariat, including restructuring;
- active promotion of innovative activities and inventiveness in the member states through, for example, awarding ARIPO prizes at fairs and exhibitions;
- strengthening ARIPO’s ties with partners, notably WIPO;
- promotion and revision of the Harare Protocol on Patents and Industrial Designs, and the Banjul Protocol on Marks; and
- focused membership drives and missions.

Advocate Mzondi Chirambo now presides as Managing Partner at Chirambo and Chirambo Attorneys, his legal firm in Blantyre, Malawi. He established the law firm on return from ARIPO at the end of two terms in office. His firm specializes in commercial law, corporate law, intellectual property, franchising, international business transactions, entertainment and media law.



At Chirambo and Chirambo Attorneys in Blantyre, Malawi, Managing Partner Mzondi Chirambo indicates a pile of patent applications destined for ARIPO in Zimbabwe



Mrs Nyalleng Pee, Chairman of the ARIPO Administrative Council from 1998 to 1999

During an interview conducted in June 2016 at the well-appointed offices of the firm, Chirambo spoke about his eight years at ARIPO in Harare with quiet pride. He reminisces about the changes that he influenced in the various regulations governing the Secretariat, including restructuring within ARIPO.

Referring to his membership drive, Chirambo says he was responsible for recruiting Mozambique, the first non-English-speaking state to join ARIPO, in May 2000.

Chirambo says by way of strategy, he negotiated for Namibia, which at the time was not a member state, to host the ARIPO Administrative Council meeting in 2002. Ghana had agreed to defer hosting the meeting. Two years later, in 2004, Namibia joined the organization.

“The Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore was signed in Swakopmund, Namibia, in 2010.”

Another area of development that Chirambo expanded at ARIPO was that of training, culminating in the establishment of the ARIPO Academy, working with Africa University and WIPO.

“Our first step in the training initiative was to increase the number of staff trained in Intellectual Property. And we increased the capacity of ARIPO to offer training in Intellectual Property. In 1997 I signed a Memorandum of Understanding on training with WIPO. But we could not plan for training while ARIPO was housed at the Old Stable House in Fourth Street (now Simon Muzenda Street).

“In 1998 we submitted a proposal for the purchase of 11 Natal Road in Belgravia. The proposal was approved at a meeting of the Administrative Council held in Seychelles in 1998 under the chairmanship of Mrs Nyalleng Pee of Lesotho, who was my first chairman.

“She is a very strong-willed woman who insisted that she be addressed as chairman, not as chairwoman or chairperson.”

The conversion of the existing building into offices was completed in 2001 under the chairmanship of Professor Norah Orembo from Kenya. The chairpersons of ARIPO are changed during the month of November, so by the time the building was inaugurated with Vice President Simon Muzenda as the Guest of Honour at the 25th Anniversary celebrations in December, the chairperson was Elizabeth Gyampoh of Ghana.

Chirambo regards the acquisition of 11 Natal Road Belgravia, the conversion of the existing residence to an office block and the inauguration of the new office block to coincide with the commemoration of 25 Years of ARIPO, as one of his greatest achievements at the organization.

He looks back with satisfaction at the changes he instituted with regard to the terms of employment of ARIPO staff, especially the local support staff.

“We also decided that all members of staff should have access to loans. Through these loans staff were able to buy housing stands. After they paid off these loans they accessed further loans to build houses on the stands. Some staff members used the loans to improve their academic qualifications. The loans were also used for the purchase of vehicles.

“Members of staff enjoyed a high standard of life because they were well paid. Even drivers. Just before I left Harare one of the secretaries showed me the picture of a house that she had used her ARIPO loan to build.

“These were the success stories that made me extremely happy as I departed from ARIPO.”

Yet, Chirambo became an IP expert almost by default.

Born in 1956 in Chirambo Village in Northern Region of Malawi, he attended Mzuzu Government Secondary School there. He then travelled further to study for a law degree at Chancellor College in Zomba, in the Southern Region of the country where the commercial capital, Blantyre, is located.

Immediately upon graduation in July 1978, just four months after ARIPO effectively started operating, Chirambo joined government and was appointed assistant Registrar General, the only position that was vacant, with responsibility for Intellectual Property covering Patents, Trademarks and Industrial Designs.

He and two other young graduates from the Chancellor College law school joined the Registrar General's Office on the same day to fill three available positions. The three positions were allocated on the basis of age. Being the youngest, Chirambo was allocated the only position still available after his two older colleagues had each made their choice.

Unfortunately, the syllabus in the law school at Chancellor College had not covered Intellectual Property, but Chirambo's resourceful boss, the Registrar General, prepared his new charge by providing him with relevant literature to study.

The following year, in 1979, Chirambo was sent to attend his first formal training course in Intellectual Property. The Austrian Patent Office organized such courses in Vienna every year. More opportunities followed, including a general introductory course in IP organized by WIPO, again in Austria, and another training opportunity organized by the European Patent Office (EPO) and WIPO, which was split into three segments, held in Geneva, The Hague, and the UK Patent Office in London.

The culmination of Chirambo's pursuit of a formal academic grounding in Intellectual Property was the one year that he spent studying for a Master's Degree in Commercial Law, specializing in IP, at Queen Mary College, University of London. He graduated in 1986, and later spent a month in Munich in 1991, specializing in Patent Examinations.

"I decided then that I had learnt enough about Intellectual Property," Chirambo says, "and any further training would not really add much more value to my professional career in IP. In fact, at that time, my late Zimbabwean friend, Nabboth Mvere, and I were wondering whether these short-term courses in IP that were being offered were really that useful."

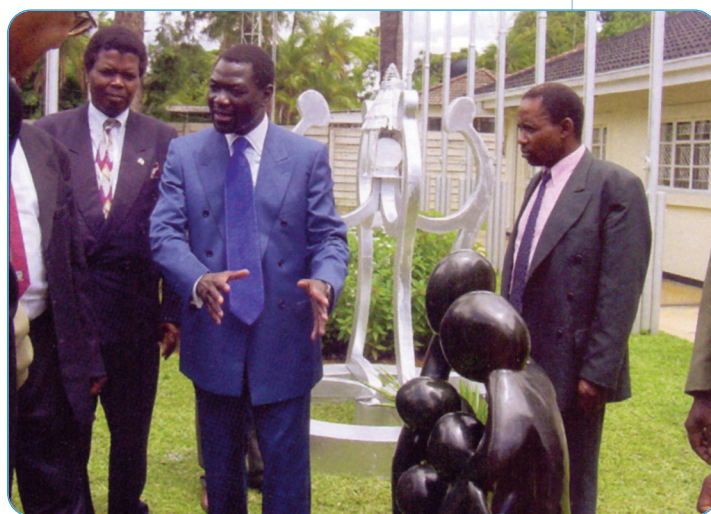
The two colleagues submitted a proposal to WIPO for a long-term training programme in Intellectual Property. The proposal was accepted, with the first and second beneficiaries from the ARIPO region being from Zimbabwe and Swaziland. Once the benefits of the long-term training programme were realized, the WIPO Academy was established in Geneva, with initial training offered online.

A campus of the WIPO Academy was later established, headed by a Zambian national, Mpazi Sinjela, "an excellent lecturer, who held the position for more than 10 years," says Chirambo.

From his initial position in 1978 as assistant Registrar General responsible for Intellectual Property, Chirambo was promoted to senior assistant Registrar General in 1981. He attended an ARIPO seminar in Harare that year, and in 1982, attended his first ARIPO Administrative Council meeting.

Fifteen years later, he was appointed as the third Director General of ARIPO. "Initially the Minister of Justice denied me permission to apply for the ARIPO job.

"I started working for ARIPO on 1 January 1997. There were 17 members of staff, two of them foreigners, when I arrived. Emmerson Mnangagwa was Minister of Justice. He was my contact person in the government of Zimbabwe.



The third Director General of ARIPO, Mr Mzondi Chirambo (blue suit) with the then Chairman of the Council of Ministers, Chief Maweni Simelane from Swaziland (left) at the ARIPO headquarters during the 25th anniversary in December 2001.

“The Administrative Council approved the amount of US\$30,000 for the purchase of a new property. In February 1999 we purchased the property at Number 11, Natal Road in Belgravia. By the time I left ARIPO the staff establishment had grown to 34 while the member states had increased from 14 to 16.

“It has not been easy to get more nations to join ARPO as member states because to sell membership of an organization whose benefits are not tangible or visible to a new country taxes your negotiating skills.”

In order to promote “inventivity” in Africa and to cultivate the corporate image of ARIPO, the Administrative Council approved the participation of the Secretariat in national fairs and exhibitions during this period. The participation of ARIPO includes exhibiting ARIPO’s activities with a view to promoting awareness on the role of ARIPO in protecting industrial property rights as well as in provision of technology support services to its clientele, and secondly by providing awards to specific winners during technology fairs and exhibitions.

A circular gold medal with the ARIPO logo in the center, surrounded by the text "AFRICAN REG. IND. PROP. ORGANIZATION" and "ARIPO".

ARIPO Gold Medal used as an award for best inventor(s).

The corporate image of ARIPO was further enhanced by a mission statement introduced by the Director General selected from mission statements submitted by members of staff on a contest basis, and to be displayed in each office including the conference room and the reception foyer.

MISSION STATEMENT

The African Regional Industrial Property Organization (ARIPO) pledges to develop, promote, harmonize and protect industrial property and ensure that this contributes to the social, economic and technological development of its Member States. ARIPO further pledges to do this through the spirit of teamwork, cooperation and mutual understanding among its stakeholders.

On 15 February 2006, on the occasion of the inauguration of the ARIPO Regional Training Centre, ARIPO and its member states paid special tribute to Mzondi Chirambo in recognition of his eight years of outstanding service to the organization 1997 - 2004. The citation says,

“Chirambo served the organization with extraordinary insight and skill. He exhibited great leadership, drive and dedication and made outstanding contribution to the growth and development of ARIPO. He ensured that the organization’s legal instruments were lifted to international standards. His tireless efforts and rectitude brought about an increase in the membership of the organization and extension of its mandate from strictly industrial property to the entire scope of Intellectual Property, including emerging issues such as the protection of genetic resources, traditional knowledge and folklore. His landmark achievements include the construction of the ARIPO headquarters and the Dr Kamil Idris Building, and human resources development.”

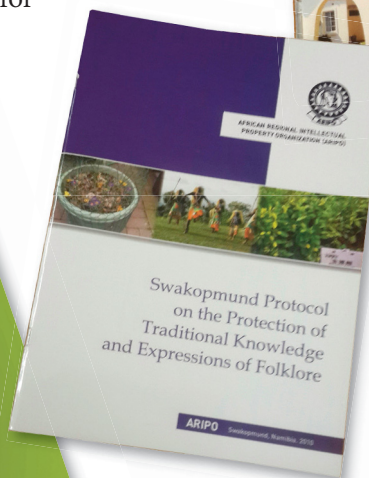
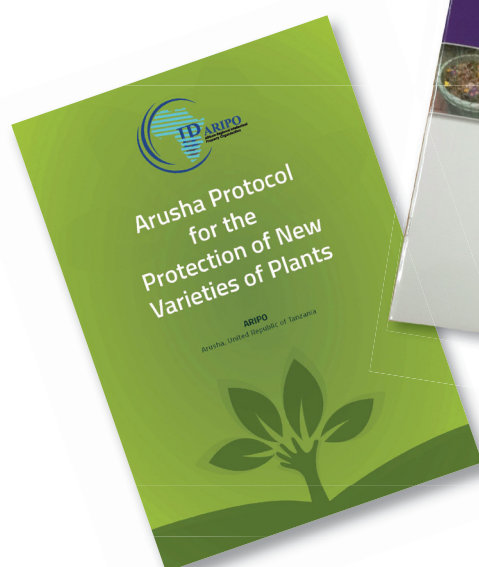
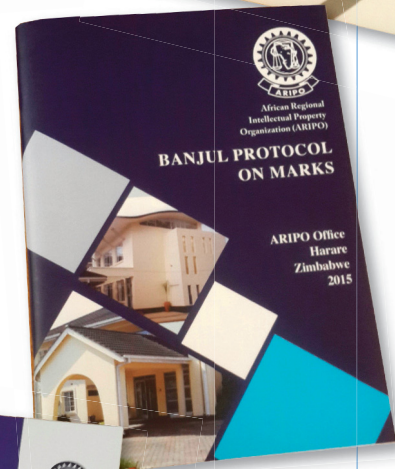


Patents, Industrial Designs, Copyrights and Protocols

One of the objectives of ARIPO is to “assist its members, as appropriate, in the acquisition and development of technology relating to industrial property”, an objective that is attainable through the establishment of a Patent Documentation and Information Centre. The importance of a Regional Patent Documentation and Information Centre was recognized by African Heads of State and Government of the Organization of African Unity (OAU) to the extent that one of the recommendations contained in their long-term strategic plan, the Lagos Plan of Action, in 1980 is to support and strengthen African regional organizations in the field of patent documentation and information.

The Lagos Plan of Action identifies the lack of information as an obstacle affecting the selection, acquisition and use of technology options.

In a knowledge-based society, Intellectual Property has become integral to such diverse areas as trade, investment, food, health, culture, science and technology, among others. The establishment of ARIPO as a regional focal office has undoubtedly contributed towards the implementation of the Universal Declaration of Human Rights, through its recognition of IPRs as an intrinsic human right created for the promotion of creativity, economic and social progress.



Pre-ARIPO Systems for Protection of Industrial Property

BEFORE THE LUSAKA AGREEMENT in 1976, countries which today constitute the membership of ARIPO had four systems in place to provide for protection of Industrial Property Rights.

The first system was regarded as a Dependent System, the second one was referred to as an Independent System, while the third was known as an Automatic System of Protection for Foreign Protected Rights, and the fourth was the Advertising System for IP Protection.

In the **Dependent System**, the national industrial property laws were linked to corresponding laws of the former colonial power. A patent grant could not be obtained directly under the national laws of an African state. Since the patents were extensions of corresponding patents obtained in the law of the colonial power, a patent with effect in a particular African country was obtained only by having an invention protected in a country such as the United Kingdom first and then having the effect of that patent extended to the African state concerned.

Those African countries that were self-sufficient in their industrial property laws provided for a complete Industrial Property Right (IPR) granting or registration procedure, with no need for authentication of the local procedure at the registry of a foreign state. This was the **Independent System**. An IPR could be obtained under the country's jurisdiction provided that requirements for grant or registration of the IPR had been positively satisfied.

Although these countries had the facility of industrial property offices, they granted weak patents due to an absence of facilities for substantive search and examination for testing the patentability of inventions tendered by patent applicants.

The system of **Automatic Protection** was closely linked to a Dependent System. The only difference was that countries with Automatic Protection Systems provided automatic protection for any Industrial Property Rights that accrued from a specified foreign country without adequate proof of existence of such rights. Under this system two foreign countries were recognised — the United Kingdom and (then apartheid) South Africa.

The **Advertising System** was operational mainly in countries that did not have any form of IP legislation. Protection was secured on the basis of an advertisement published in the national newspapers or any Industrial Property Rights Journal. If no opposition to the protection was raised then the protection would be accorded to the advertised Industrial Property Right. In fact the authorities responsible for the management of IP rights were referred to as Registries and not as Patent Offices. They existed merely for record-keeping and their functions included registration of births and deaths, as well as marriages.

The fact that some countries offered two different systems of IPR protection presented a challenge to any person or entity seeking protection. Besides the shortcomings specifically associated with each of these systems, many African countries duplicated efforts of administration and use of national systems for protection of IPRs. Yet procedures required by the law from both the applicant and the industrial property office were basically the same from one country to the next.

For example, an applicant who sought a patent grant from Uganda needed to file an application at the national patent office and prosecute it to satisfy requirements under the Ugandan Patents Act. If not resident in Uganda, the applicant was required by law to appoint a patent attorney to prosecute the matter on his or her behalf. That attorney must, by Ugandan law, be a person admitted to the bench in the country and, therefore, must have a licence to practice law in that country. This system was applicable in all Commonwealth African countries.

If the applicant required a patent for the same invention in several other countries in the region, that person was required to prosecute an application for each state in the same or similar way as the original application. Another example of duplication of resources was the registry of trademarks, as every national office was compelled by law to advertise a trademark application for purposes of opposition after or before the application had been substantively examined.

These countries shared some problems common to all. One of these related to the process for grant of patents, particularly in the countries of the independent system. The national law on patents in each one of these countries compelled the patent office to undertake a substantive search and examination on every patent application to determine whether an invention is patentable or not.

For a number of reasons, including their incapacity to attract and retain qualified engineers as patent examiners, the majority of the countries did not implement the requirement of substantive search and examination of patent applications although formality examination was always instituted. Many of the factors that incapacitated these offices arose from staff insufficiency either in number or skills.

At that time, industrial property was relegated to the bottom of national priorities. The industrial property offices were retained as earners of foreign currency for the central treasury, but important needs were often neglected. Local training in industrial property was unknown and each country depended on limited foreign assistance.

The Lusaka Agreement and Beyond

The aspirations of the Lusaka Agreement that established the legal framework for ARIPO 40 years ago have been expanded into practical implementation through additional agreements, each focusing on a specific area of intellectual property. ARIPO has been transformed in this period into an organisation that is no longer limited to industrial property but has extended its mandate to other aspects of intellectual property including copyright and related rights, and emerging issues such as traditional knowledge and expressions of folklore, and protection of new varieties of plants. Nor is it limited to English-speaking countries, having expanded its membership beyond those boundaries.

The overall number of applications received by the ARIPO Secretariat continues to increase although there are annual variations and some years are lower. The ARIPO regional registration system of Intellectual Property Rights received the following numbers of applications since inception in 1984: 9564 patent applications, 86 utility models applications, 1149 industrial design applications and trademark applications.



INDUSTRIAL PROPERTY

- ❖ Patents, Utility models, Trademarks and all their varieties, and Industrial designs



I Harare Protocol on Patents and Industrial Designs

In fulfilment of the objectives of the Lusaka Agreement, the Administrative Council, at its 6th Session on 10 December 1982, adopted a Protocol on Patents and Industrial Designs and its Implementing Regulations. The Protocol was adopted in Harare, Zimbabwe, and is known as the Harare Protocol. A total of 18 ARIPO members are contracting states for the Harare Protocol and only Somalia had not acceded by 2016.

The Protocol empowers the ARIPO Office to grant and administer patents and register industrial designs on behalf of contracting parties. The entry into force of the Protocol on 25 April 1984 enabled the ARIPO Office to receive and process patent and industrial design applications. The Protocol started to generate some income from the registration of patents and brought about significant growth in the operations of the Organization.

The Harare Protocol empowers the ARIPO Office to grant patents as well as to register utility models and industrial designs on behalf of the 18 contracting states, and to manage any other matters related to these functions and to achieve the objectives of the Lusaka Agreement. Most of the contracting states have the option of using the national route in addition to ARIPO for marshalling applications and granting rights through applications filed with the national industrial property offices for grant or registration of rights by those offices.

The Harare Protocol is compliant with Trade Related Aspects of Intellectual Property (TRIPS) and incorporates other international treaties of relevance. The Protocol has been linked to the Patent Cooperation Treaty (PCT)

and this enables applicants to file international applications and obtain protection of their intellectual property rights. The Protocol has also been linked to the Budapest Treaty, which enables applicants to provide information on new micro-organisms claimed in patent applications.

The Harare Protocol offers choice and flexibility and enables applicants to obtain protection for utility models and petty patents. It is also possible to convert utility models to patents and vice versa. Utility models are very important for Africa since the continent is endowed with indigenous technologies and innovative skills.

Procedure under the ARIPO Route

This application can be filed through an industrial property office of a Harare Protocol contracting state (known as “receiv-

A PATENT is a sole right given to an inventor to make, use, or sell his/her invention for a limited period in exclusion of unauthorized competitors. Patents provide incentives to individuals by offering them recognition for their creativity, financial investment in research and development, and material reward for their marketable inventions. These incentives encourage innovation.

A UTILITY MODEL (also known as a petty patent) is any new technical solution related to the modification of existing devices, configuration or disposition of elements of some appliance, instrument, handicraft, mechanizations, and products including products of genetic resources, herbal as well as nutritional formulations which have practical use and give new effects. The specific definition varies from country to country.

AN INDUSTRIAL DESIGN is the ornamental aesthetic aspect of a useful article that makes an article attractive and appealing, therefore adding commercial value to the product and increasing marketability. Protection of the design ensures that the person or entity that has registered the design is assured an exclusive right against unauthorized copying or imitation by third parties.



ing office”) or directly with the ARIPO office in Harare. On receipt of the patent application, either directly or through a receiving office, the ARIPO office will verify that the application complies with formal requirements before according a filing date. This is followed in due course by a substantive examination to ensure that the invention is patentable, in other words, that it is new, involves an inventive step and is capable of being applied in industry.

Should the application comply with the substantive requirements, its copies are sent to each designated contracting state which may, within six months, indicate to the ARIPO office, that according to grounds specified in the protocol or its laws, the intended patent grant, once made, will not have effect in its territory. The substantive examination of ARIPO patent examinations makes an ARIPO patent a particularly strong one since such an examination raises its presumption of validity.

For industrial grant applications, only a formality examination is performed. If the application fulfils the formal requirements, the ARIPO office will register the industrial design and this registration has simultaneous effect in the designated states. However, as for patents, designated states reserve the right to communicate to the ARIPO office within six months before registration that the registration will not have effect in the designated state concerned.

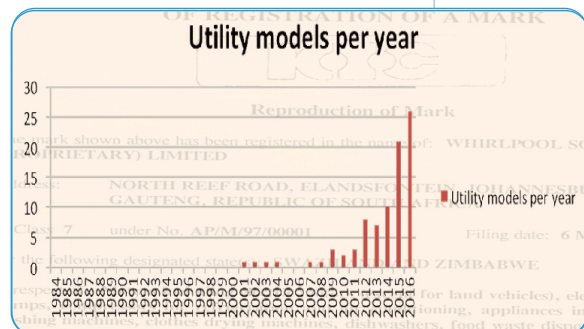
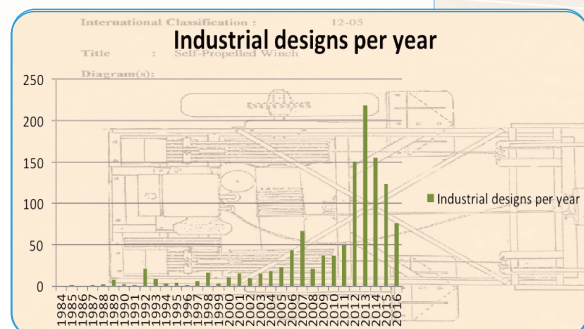
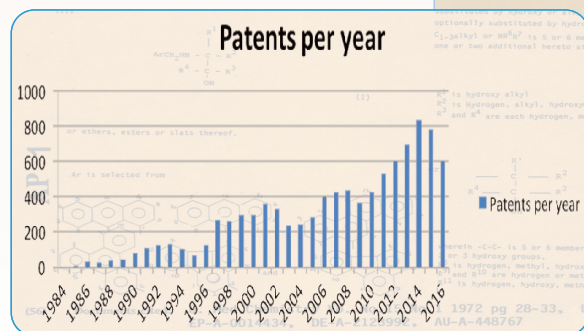
Link with the Patent Cooperation Treaty (PCT)

At its Second Extra-Ordinary Session held in April 1994, the Administrative Council adopted amendments to the Harare Protocol and its Implementing Regulations to create a link between the protocol and the Patent Cooperation Treaty (PCT). This link took effect on 1 July 1994 and has the following effects:

- ❖ any applicant filing a PCT application may designate ARIPO, which in turn means a designation of all states party to both the Harare Protocol and the PCT;
- ❖ the ARIPO office acts as a receiving office under the PCT; and
- ❖ the ARIPO office may be elected in any PCT application.

All of the 18 contracting states to the Harare Protocol are signatories to the PCT. The linkage of the Harare Protocol to the PCT created a bond between the ARIPO regional patent system and the international patent system, particularly as far as search and filing were concerned. By virtue of having signed the Harare Protocol which itself is linked to the PCT, the contracting states are open to a worldwide inflow of patent applications which is a much wider volume than available in their national routes.

This has generated more income and more employment opportunities. With more income generated this way, all the ARIPO member states, except Somalia, no longer send membership contributions from their national treasuries as their earnings from the Harare Protocol alone can settle these.



The Administrative Council adopted further amendments in November 1999 to provide for choice of office of filing application, period of protection for patents and industrial designs, and protection of utility models.

While the ever-increasing number of patent applications constitute a major achievement in the operations of the Harare Protocol, its diversity to include other subject matter for protection such as computer software with technical effects, business methods, pharmaceuticals, to mention some, are illustrative of a system coming of age.



II Banjul Protocol on Marks

The Administrative Council adopted the Banjul Protocol on Marks at Banjul, The Gambia on 19 November 1993. The protocol deals with the protection of both Service Marks and Trademarks. The Protocol entered into force on 6 March 1997 after ratification by Malawi, Swaziland and Zimbabwe. Ten of the 19 ARIPO members are contracting states of the Banjul Protocol to date — Botswana, Kingdom of Lesotho, Liberia, Malawi, Namibia, São Tomé and Príncipe, Kingdom of Swaziland, Uganda, the United Republic of Tanzania and Zimbabwe.

The Protocol has been extensively revised since 1997 to make it compatible with the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, and the Trademark Law Treaty, as well as to make it more user-friendly.

The operational principle of the Banjul Protocol is based on the Harare Protocol. An applicant may file a single application either at one of the contracting states or directly with the ARIPO Office, designating the states in which the mark should be protected. Formality and renewals are undertaken by the ARIPO Office while substantive examination is undertaken by designated states.

Purpose and Procedure

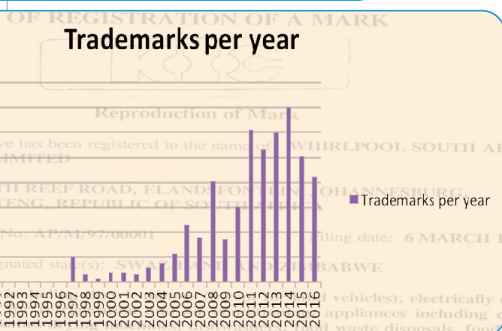
The Banjul Protocol empowers ARIPO to register marks for goods and services in respect of and on behalf of the 10 contracting states, and provides a central channel in the ARIPO route which co-exists with

a national route in most of the Banjul Protocol contracting states. Every application under the ARIPO route may be filed with the national office or directly with the ARIPO office.

Upon receipt of an application, the ARIPO office will determine the filing date thereof and proceed to examination for compliance with formality requirements. Thereafter, the application will be transmitted to designated states for substantive examination.

A designated state has, as under the Harare Protocol, a right to communicate to the ARIPO office its refusal for extension to it of a registration of a mark, once made by the ARIPO office but the national office is required to state reasons for the refusal. The reasons are forwarded to the applicant for appeal accordingly. The registration of a mark, once given, will be entered into the register and the fact will be published in the ARIPO Journal.

A TRADEMARK is a distinctive word or a combination of both which identifies certain goods and services of one producer offered for sale as being different from those of another. A trademark provides protection to the owner of the mark by ensuring the exclusive right to use it to identify goods or services, or to authorize another to use it in return for payment of a royalty.



Areas of Future Development of the Banjul Protocol

Although the Banjul Protocol has not been as popular and successful as the Harare Protocol, it was intended to offer the same benefits to stakeholders. This subdued performance is now the subject of many studies made or being made internally at the ARIPO office and with stakeholders, notably the International Trademark Association (INTA) and WIPO, the latter with consideration of better functionality in relation to the Madrid System.

There are several reasons why the Banjul Protocol remains subdued. Key among them is the fact that most of the countries that are party to this protocol have not fully domesticated it into their national legislation. This has created reservations about the extent of enforcement in the absence of domestication. The other reason that makes the Protocol less attractive is the fact that the processing duration is rather too long, considering that trademarks are a tool for marketing and therefore registration should be effected within the shortest possible time.

Third, the administration of trademarks constitutes more than 95% of the business of the national IP offices and is the main source of income for the member states. Some member states have been reluctant to join the Protocol in view of the potential threat to their financial sustainability. In consideration of that, the 14th Session of the Council of Ministers of ARIPO held on 28-29 November 2013 in Kampala, Uganda, approved the introduction, in the Banjul Protocol, of the “individual fee” structure that will allow member states to receive the fee charges to their respective national systems in all applications under the Banjul Protocol. With this amendment, the threat to the financial sustainability of the national Industrial Property Offices will no longer exist and it is believed that more countries will be in a position to join the Protocol.

EMERGING ISSUES

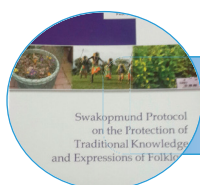
- ❖ Traditional knowledge and folklore, New plant varieties, Access and benefit sharing arising from
- ❖ the use of genetic resources, Geographical indications

III Swakopmund Protocol on Traditional Knowledge and Expressions of Folklore

The Diplomatic Conference of ARIPO adopted the Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore within the ARIPO Framework on 9 August 2010, at Swakopmund, Namibia.

The objective is to protect the holders of traditional knowledge against any infringement of their rights and protecting expressions of folklore against misappropriation, misuse and unlawful exploitation. The Protocol entered into force on 11 May 2015 and now has eight contracting states — Botswana, Malawi, Namibia, Rwanda, The Gambia, Liberia, Zambia and Zimbabwe.

Acknowledging that traditional and local communities have for long utilized their traditional knowledge and culture for their survival and livelihood; that there is a gradual disappearance, erosion, misuse, unlawful exploitation of traditional knowledge and folklore; as well as the fact that no international normative framework has been concluded for the protection of traditional knowledge and expressions of folklore; the conference concluded that the treaty was the first huge step towards prevention of this unlawful exploitation.



Thus delegates were convinced that the empowerment and enhanced capacity of custodians of traditional language and folklore are critical to the realization of aspirations and prosperity of the traditional and local communities. It was felt that effective protection of traditional knowledge and expression of folklore will create an environment conducive for the respect, recognition, development and promotion of traditional knowledge and expressions of folklore and its continued use, transmission and development.

The delegates, therefore, strongly urged member states to domesticate the protocol into their laws and institute appropriate institutional structures for the implementation and enforcement of the protocol.

ARIPO is mandated under the Protocol to register traditional knowledge and expressions of folklore so as to protect the holders against any infringement, misappropriation, misuse and unlawful exploitation beyond their traditional context. ARIPO has therefore developed a prototype database to document, preserve and maintain traditional knowledge, assist patent searches and identify prior art, identify communities that might be entitled to benefit sharing and assign exclusive rights, provide the means for recording the existence of traditional knowledge over which positive rights have been recognized under national or customary law, and serve as the mechanism for obtaining protection of traditional knowledge through *sui generis* database protection.

Protection of Traditional Knowledge

PRIOR INFORMED CONSENT. As per this principle, traditional knowledge holders should be fully consulted before third parties use their knowledge.

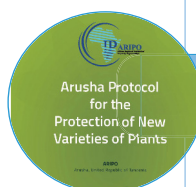
EQUITABLE BENEFIT SHARING. This principle prescribes the balancing of the interests of the right-holders and the general public.

UNFAIR COMPETITION. This means any act of competition contrary to honest practices in industrial or commercial matters and includes various acts that mislead the public or cause confusion. This principle allows for action to be taken against false or misleading claims.

PATENTS. When practitioners innovate within the traditional framework, they can use the patent system to protect their innovations.

DISTINCTIVE SIGNS. Such signs include trademarks, collective marks, certification marks and geographical indications. Traditional signs, symbols and terms associated with traditional knowledge may be protected as distinctive marks.

CUSTOMARY LAWS. Customary laws, protocols and practices define how traditional communities develop, hold and transmit traditional knowledge.



IV Arusha Protocol for the Protection of New Varieties of Plants

The latest addition to the protocols adopted by ARIPO subsequent to the signing of the Lusaka Agreement, is the Arusha Protocol for the Protection of New Varieties of Plants. This protocol was signed by a Diplomatic Conference held in Arusha, United Republic of Tanzania on 6 July 2015. Five member states have signed the protocol which has not yet entered into force — The Gambia, Ghana, Mozambique, São Tomé and Príncipe and the United Republic of Tanzania. The protocol will enter into force when four states have deposited their instruments of ratification or accession.

The purpose of this Protocol is to grant and protect breeders' rights, and it will apply to all plant genera and species from the date of coming into force. Under the protocol, ARIPO will enhance capacity building and help to develop effective protection systems for national plant varieties for the member states.

Under the Protocol, the ARIPO office will be empowered to grant and administer breeders' rights on behalf of the contracting states. ARIPO will have responsibility for establishing a documentation centre to disseminate infor-



mation on breeders' rights; maintaining a register; providing information on rights granted; collaborating with other regional and international bodies whose functions relate to the protection of new varieties of plants; liaison with national authorities, and any other functions necessary to further the objectives of the Protocol.

The provision for plant breeders' rights in the region will allow farmers access to a wide range of improved varieties to contribute to the attainment of the regional goal of economic development and food security.

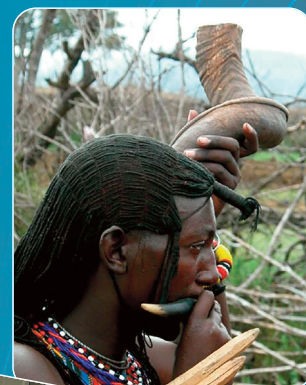
COPYRIGHT AND RELATED RIGHTS

- ❖ Literary works, Paintings, Music, Performances including dances, Adaptations of these, etc.

Administration of the subject of copyright and related rights arose as a direct result of a decision of the Eighth Session of the Council of Ministers held in Mangochi, Malawi, from 29 - 30 August, 2002, at which ARIPO was mandated to include in its functions the regional spearheading of copyright and related rights.

ARIPO has since achieved many goals that laid a bedrock foundation for implementation of this additional mandate. These goals included the creation of a Copyright Department at the ARIPO Secretariat. Further, the Administrative Council recently created a Technical Committee for Copyright and Related Rights which will review copyright issues before they are seen by the Administrative Council. Thus, recent years have seen a quicker momentum in the process of implementing the mandate.

In partnership with cooperating partners such as WIPO, International Federation Reproduction Rights Organization (IFRRO), International Confederation of Authors and Composers Societies (CISAC), ARIPO has been actively involved in strengthening capacity of copyright management organizations in member states, the emancipation of copyright from all forms of piracy, and strengthening infrastructure used for the enforcement of copyright laws.



COPYRIGHT is a form of intellectual property that protects literary and artistic works from exploitation without authorization from the owner. Examples of works protected by copyright are books, musical works, poems, drama, sculptures, computer software, dance, visual art, etc.

COPYRIGHT protects expressions of ideas that have been created independently. That is, for a work to be protected by copyright, it should be an original creation.

COPYRIGHT provides the owner with the exclusive right to prohibit or authorize reproduction, distribution, public performance, public display, and creation or production of derivative works.

COPYRIGHT protection generally lasts for the life of the author/artist plus 50 years after their death. However, some jurisdictions provide for the life of the author plus 70 years.

RELATED RIGHTS cover performing artistes such as actors and singers in their performances; producers of sound recordings in their recordings; and broadcasting organization in their radio and television programmes.

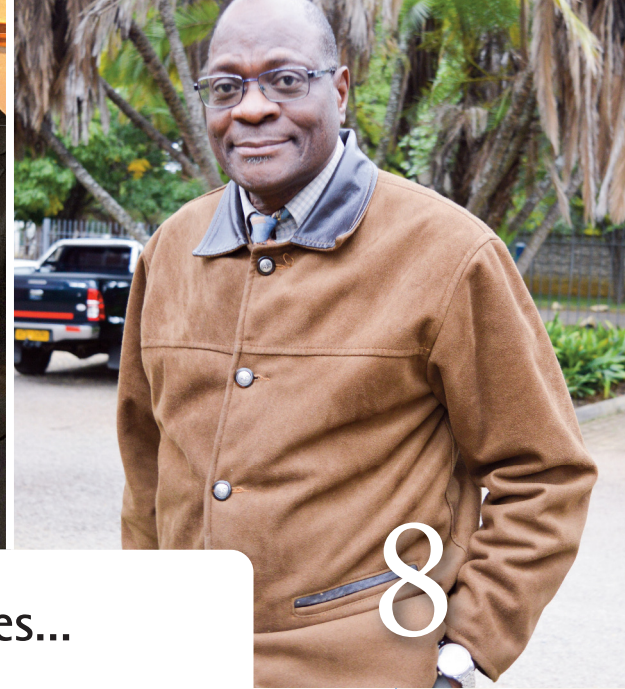
In the area of regional integration, ARIPO has also been actively involved with establishing a partnership with the Copyrights Society of Malawi (CO-SOMA) with the view to partner in initiatives aimed at establishing a Southern and Eastern Africa Copyright Network (SEACONET).

The area of copyright provides one of the biggest challenges in the IP protection systems. Rampant piracy and counterfeit products have continued to deplete honest business practices. At 40 it is commendable that ARIPO is vigorously making efforts to resolve in some of the challenges that besiege copyrights and copyright-related issues.

Search Services Provided by ARIPO

Intellectual Property Rights (IPR) have two important functions – Recognition and Benefits. Through protection, an IPR allows the rights-holder to exclude others from commercially exploiting the rights covered by the holder in a certain country or region and for a specific period of time. Disclosure gives the public access to information regarding new technologies in order to stimulate innovation and contribute to economic growth. IP information is an important resource for researchers and investors, entrepreneurs and commercial enterprises.

The ARIPO Office provides, upon request, information services to users of IP information in member states and potential member states for the purpose of facilitating the adaptation, transfer and acquisition of appropriate technology, the development of local research and the creation of indigenous technology. Searches provided for Patents, Utility Models and Industrial Design include searches for previous patents, infringements, validity of an IPR, the most current developments in a particular field, dissemination of patent documents, key bibliographic data, copy documents, and related patents. For Trademarks, the searches are designed to seek the geographical scope, trademark availability, and trademark status. Other searches can be conducted to seek general information, parties to the ARIPO protocols, or fee schedules and timelines for processing, and general information on intellectual property.



Improving capacity and capabilities...

Fourth Director General 2005 - 2012

Gift Huggins Sibanda from Zimbabwe

“During his leadership the organization (in partnership with WIPO) commenced on a programme of Masters in Intellectual Property, and introduced strategic planning for purposeful monitoring and controlling of annual budgets. He expanded the ARIPO headquarters ground space by acquiring ownership of an additional property. During this period the organization’s mandates grew in scope by harnessing many more aspects of Intellectual Property, hence placing focus on the organization’s identity as an Intellectual Property leader in the region.

“Thus, subjects of Access and Benefit Sharing (ABS) and plant variety protection each underwent foundation stages for formulation of a respective regional protocol to be concluded in the wake of the Swakopmund Protocol for the protection of Traditional Knowledge and Expression of Folklore that was signed during the aforesaid period, a time when ARIPO grew in membership size.” — ARIPO citation in recognition of Sibanda’s service to the organization.

GIFT HUGGINS SIBANDA, during a career spanning more than three decades became a dedicated team player, a lone pioneer, a consensus-generating diplomat and a respected leader – while always remaining a consummate IP professional. He served as the fourth Director General of ARIPO from 2005-2012.

Sibanda is a Zimbabwean national, born in Gwanda in Matabeleland South Province. As a young child he relocated with his parents to Zambia where he attended secondary school at St Edmund’s, Mazabuka. Thereafter he went to Moscow to study law at Patrice Lumumba University, specializing in civil and criminal law. At the time when he made the decision to specialize in Intellectual Property law, in 1980 while reading for his Master’s degree at the same university, the field seemed almost irrelevant to African countries emerging from colonial rule. Despite this, he persevered. In his final year he returned to Zimbabwe to work on his dissertation on Intellectual Property.

Finally returning to Zimbabwe after graduation in 1983, he joined the Deeds Office in Harare where he was appointed assistant examiner of Patents, Trade-marks, and Utility Designs, and later a Formality Examiner in Patents, Trademarks and Industrial Designs. This provided valuable experience but his performance and potential rapidly led to his being seconded to WIPO to assist with the establishment of a Patent Documentation and Information Centre within the framework of ARIPO.



Then Director General of ARIPO, Mr Gift Sibanda and Minister of State Administration for Industry and Commerce (SAIC) of the People's Republic of China, Hon. Zhou Bohua during the signing ceremony of the Cooperation Agreement between ARIPO and SAIC on 31 March 2011

“In 1984 I went to Geneva to start training as a fellow on Patent Information and Documentation. That was to assist the Chief Documentation Officer, Dr Lartey, Technical Director from Ghana. Back in Harare, I worked with Ferdinand de Laet, an information and documentation expert who had an engineering background. At that stage there were 12 people working at Bryanston House. We were paid by WIPO.

As a result of this project, Sibanda was appointed as an Industrial Property Officer at ARIPO, but his abilities and responsibilities went far beyond those of a patents specialist. Already during his WIPO days it had become apparent that for ARIPO to succeed in its aims and objectives, it was vital to drive a process of achieving buy-in from the signatory states.

So began Sibanda's career as a diplomat, working tirelessly behind the scenes to garner support for the ratification of the Harare Protocol, the incorporation of the Patent Cooperation Treaty within ARIPO, and the execution of a study into the incorporation of trademarks within the framework of the organization, eventually leading to the Banjul Protocol on Marks.

Recognizing the realities of entrepreneurship and innovation in an African context, he also worked towards acceptance of the utility model system, whereby the IP value inherent in relatively small inventions could be protected at an affordable cost.

During this period, Sibanda rose steadily through the ranks of ARIPO, and was promoted to Senior Industrial Property Officer in 1992, followed by his appointment as head of the Legal and Training Department in 2004. While contributing to the broader vision of the organization, he was intimately involved in the development of its capabilities and capacity, including the development of a training programme to build the capacity of IP practitioners within the secretariat and member states.

He was assigned to identify suitable premises for the organization's headquarters in the host country, his native Zimbabwe, as well as negotiating the purchase of the property.

Sibanda's efforts and expertise were formally recognized in 2004 when he was appointed Director-General of ARIPO. He states clearly that "the work of ARIPO is done on behalf of its member states. This is one organization in Africa where all member states are fully paid up."

The ability to create clarity amidst possible confusion is one of the key requirements of leadership and to this end Sibanda ensured that ARIPO remained focused on its objectives. To this end, he formulated six strategic goals, including resource mobilization; enhancing the corporate image; infrastructure development; the promotion and harmonization of IP laws; the delivery of quality services and building of strategic partnerships; and supporting of IP policy development.

During his two terms as DG, he worked vigorously to establish strategic partnerships with states and organizations to further the objectives of ARIPO and the role of IP law in Africa.

Sibanda played a key role in ensuring a solid partnership between ARIPO and OAPI, including a bilateral agreement in 1996 and an agreement on training in 2005.

Among the fundamental criteria of patentability are that an invention must be novel, be non-obvious or inventive, and be useful or have some practical application. Many of Sibanda's innovations could be said to have satisfied these requirements while not necessarily being "patentable". Often he has come up with a new approach which has made a tangible difference to the work of ARIPO, its members and staff. Whether it was improving Internet connectivity at the Harare headquarters or developing a search and examination strategy to reduce backlogs, Sibanda displayed an ability to get things moving.

Building on the firm foundation of his predecessor, Sibanda established systems that would ensure smooth operations, leaving his successor with ample scope to take ARIPO to greater heights. Under his leadership the membership of the organization increased by a further two members, with Liberia joining in December 2009 and Rwanda in June 2011.

Gift Sibanda is now Managing Director of Imperial Intellectual Property Investments for Africa. He is also a member of the academic staff at Africa University in Mutare, in the eastern districts of Zimbabwe. He is deputy chairman of the Culture Fund of Zimbabwe and chairman of its Committee for Programmes; he is a Presidential Appointee to the Board of the Scientific and Industrial Research Development Centre (SIRDC), and chairman of its Development and Business Committee. He is also chairman of the Zimbabwe Intellectual Property Development Trust (ZIPDT), honorary member of the Zimbabwe Institute of Patents and Trademarks (ZIPT), and a member of the Review Team for WIPO on the implementation of the Development Agenda Recommendations.



Gift Sibanda established strategic partnerships with states and organizations to further the objectives of ARIPO

Looking Back and Forward

by Gift Sibanda, former Director General, ARIPO

Achievements@40

A review of ARIPO's activities clearly indicates that member states through the regional office are deriving benefits in a number of areas, including,

- ❖ realisation of financial benefits through the operations of ARIPO protocols;
- ❖ benefits accruing from technology support services;
- ❖ improvements in the management of copyrights and related rights;
- ❖ participation in training activities;
- ❖ enhancement of common views and approach in IP matters; and,
- ❖ accruing some benefits from ARIPO's strategic partners.

The harmonization of IP laws in member states has been partly achieved through continuous support by the regional office in the development of IP laws which are compliant with the Trade Related Aspects of Intellectual Property Rights (TRIPS) and responsive to the need of its member states. This has been further enhanced through the adoption of protocols which facilitate the protection of some IP-related domains in ARIPO member states, with member states being supported in domestication of their national laws to accommodate the regional provisions.

Member states are also beneficiaries of the finances generated from the protocols of ARIPO under the scheme. Incomes generated from the protocols are shared between ARIPO and its member states in proportions determined by the protocols. It is partially these fees that have enabled member states, particularly those that were in perennial arrears, to meet their financial obligations on contributions.

The strategic partnership that ARIPO has entered into with cooperating partners as well as the special relationship with UNECA, AU, and WIPO has attracted a working relationship which is mainly of benefit to the member states. Training activities are primarily designed for the participation of officials from ARIPO member states.



Through annual meetings that are convened by the organization, such as sessions of the Administrative Council and the Council of Ministers, member states are able to deliberate on various issues relating to IP, thereby developing a common approach, and share views on matters related to IP.

A good example would be the discussions around Copyright and Related Rights that resulted in a mandate on Copyright and Related Rights within the framework of the organization. Another example is the discussion on traditional knowledge, genetic resources and expressions of folklore, which resulted in the adoption of the Swakopmund Protocol.

Increased participation of ARIPO member states in international meetings, particularly those that are held within the auspices of WIPO, is testimony to the fact that at the regional level there is more awareness on the importance of the IP as a vehicle for technological development. Improved financial management and continuous training of the staff at ARIPO to enhance competencies is yet another area that illustrates this focus on the part of the management of the organization.

The area of IP continues to be dynamic and this dynamism needs to be responded to in time. ARIPO therefore is well-equipped within its current strengths to react or respond to challenges that will come its way in the area of IP development.

The establishment of the headquarters of the organization with fully-fledged facilities and well-trained personnel is a clear manifestation that ARIPO at its 40th Anniversary has come of age and should gear itself to deal with all the challenges that it faces as it forges ahead. Some of these challenges are enumerated below.

Challenges going forward

While a lot has been achieved in the area of IP in response to the Lusaka Agreement's objectives, a lot more requires to be accomplished as the subject of Intellectual Property continues to evolve. Following are some of the recommendations that relate to unfinished work and some envisaged improvements:

- ❖ In recent years the organization has been able to adopt additional protocols and these protocols require ratification by signatories or accession by other member states. It is recommended for the Secretariat to develop initiatives to make these protocols operational.
- ❖ Some protocols such as the Banjul Protocol should continue to be amended so that they become attractive both to users and to ARIPO member states so that the number of contracting states increases.
- ❖ Modernization of IP laws has been painstaking. Not all the member states of ARIPO have a modern IP system. This will require revisiting so that the objective of ARIPO on harmonization is achieved.



Fourth Director General, Gift Sibanda, at the Administrative Council meeting held in Zanzibar, Tanzania in 2012

- ❖ IP structures in member states are at different levels of development with those that are autonomous proving to be embracing the ideals of regional cooperation at a faster pace.
- ❖ IP is a crosscutting subject and member states of ARIPO should adopt systems which allow a broader participation in IP matters and one such model is the introduction of an Inter-Ministerial Committee. It is highly recommended that the Secretariat of ARIPO continues to push for these initiatives.
- ❖ National IP Policies have proved to be the pinnacle in promoting the use of IP and ARIPO's support to member states seeking to embrace IP policies should continue to be a priority.
- ❖ The search for new mandates should continue unabated to cover all IP aspects.

There are other issues that will require a deliberate policy from the Secretariat of ARIPO as these issues may in the long run improve the IP landscape in Africa. These include:

- The involvement of ARIPO in matters relating to the WIPO's Development Agenda should be of concern to the organization, whose membership largely comprises developing or least developed countries.
- Initiatives relating to the Pan-African Intellectual Property Organization will require involvement of ARIPO and other interested parties to determine its implications and to ensure that the solid achievements made by ARIPO and OAPI in the last 50 years are not underestimated and nullified.
- Strategic partnership should continue to be pursued with a view to facilitate a technical cooperation for ARIPO and its member states in selected areas where they lack competencies and where ARIPO is poorly resourced.
- The secretariat should, to the extent possible, encourage the participation of stakeholders in member states in international meetings of importance to IP such as the International Trademark Association (INTA), International Association for the Protection of Intellectual Property (AIPPI), the International Federation of Intellectual Property Attorneys (FICPI), the International Federation of Reproduction Rights Organizations (IFFRO), the International Confederation of Authors and Composers Societies (CISAC), the IP Statistics for Decision Makers conference, and the Global Congress on Piracy and Anti-Counterfeit.
- The secretariat should initiate the establishment in its member states of Inventors Associations of IP Practitioners to augment ARIPO's work in member states.
- The secretariat should develop initiatives to establish schemes such as Special Funding for Inventions by financial institutions to support inventors. Such support exists in other countries but not in most ARIPO member states.



The Seat of ARIPO

AT THE TIME of signing of the Lusaka Agreement the member states of ESARIPO were not equipped to run the new organization, nor did they have sufficient financial and human resources to do so. A decision was taken to place the organization's Interim Secretariat under the joint stewardship of the United Nations Economic Commission for Africa (UNECA) and the World Intellectual Property Organization (WIPO) in Nairobi, Kenya. The First Session of the Administrative Council held in Nairobi from 2 to 5 May 1978 decided to establish a permanent Secretariat and ESARIPO initially established its office at Sharia House, Nairobi, at the invitation of the Government of Kenya.

As with many new organizations the early stages of existence were beset with both financial and logistical challenges, until the Government of the newly independent Republic of Zimbabwe offered to host the Secretariat, according to its diplomatic status and other benefits, including free office accommodation for the first five years. The ARIPO headquarters has remained in Harare since then after concluding a host country agreement with the Government of Zimbabwe.

The first Director General, Jeremiah Ntabgoba, took up his post in June 1981 and established the permanent Secretariat in February 1982 in Harare. After his arrival, the organization was initially located at Electra House along Samora Machel Avenue, where it shared spacious offices with the Zimbabwe Intellectual Property Office (the Comptroller of Patents, Trademarks and Industrial Designs).

As the secretariat expanded to accommodate the Patent Documentation and Information Centre (ESAPADIC), the Zimbabwe government provided more spacious accommodation to the embryonic organization, at Bryanston House in George Silundika Avenue.

As the organization grew in work and staff size due to the increased workflow caused by the commencement of the Harare Protocol and the Banjul Protocol, the host Government offered the Secretariat a government-owned property in Fourth Street (now Simon Muzenda Street), the Old Stable House.



Bryanston House (top) and Old Stable House in Harare, Zimbabwe

It was from this location that ARIPO finally acquired its own premises and moved to 11 Natal Road in Belgravia, Harare, near other diplomatic missions and international organizations. After renovations, the building was inaugurated at the 25th anniversary of the organization in 2001. As ARIPO continued to grow, a neighbouring property was acquired for expansion, and construction began again.

Thus ARIPO is celebrating its 40th anniversary by commemorating the inauguration of the extension of its permanent headquarters building at 11 Natal Road, Belgravia in Harare, Zimbabwe.

ARIPO Headquarters

@

11 Natal Road, Belgravia,
Harare, Zimbabwe



ARIPO headquarters inaugurated on
10 December 2001

With the facilitation of the host government, ARIPO purchased an incomplete residential property at Stand No. 3200 (11 Natal Road) in Belgravia, Harare in 1999. The property consisted of a residential house in front and a smaller building at the back. After completion of the renovations, the organization

moved to its new address in 2001, in time for its 25th anniversary.

The ARIPO headquarters building was inaugurated on 10 December 2001, with the late Vice President of Zimbabwe, Hon. Dr Simon Vengai Muzenda as guest of honour. The colourful occasion was attended by members of ARIPO's Council of Ministers and Administrative Council, ambassadors accredited to Zimbabwe and representatives of co-operating partners. Among the dignitaries who attended the historic occasion hosted by then Director General Mzondi Chirambo from Malawi, were his two predecessors as Director General, Justice Jeremiah Ntaboga and Justice Anderson Zikonda.

Cooperating organizations and countries, and diplomatic missions sent congratulations and messages of encouragement on the 25th anniversary, including member states of ARIPO as well as potential members of the organization that enjoy observer status.

“The inauguration of the ARIPO Headquarters building at the age of 25 is a clear manifestation that the organization has come of age and that it is now more than ever before ready to meet the challenges that confront our countries in matters relating to Industrial Property,” said Dr Mzee, as Vice President Muzenda was affectionately known.

“It is also now better placed to discharge other functions related to its mandate.”



Vice President Muzenda said Zimbabwe's commitment to supporting ARIPO was based on the understanding that Industrial Property is key to the technological development and growth of member states.

He said that patents, industrial designs and utility models registered by ARIPO were specifically designed to protect ideas and technologies and were, therefore, crucial in technology transfer, adoption and development, whereas trademarks were designed to identify enterprises in relation to goods and services and therefore essential in quality assurance and consumer protection.

Speaking at the inauguration of the first headquarters building in Belgravia during the 25th anniversary of ARIPO in 2001, Director General, Mzondi Charambo, said:

"This building is not big if you compare it to others... However, for ARIPO it is the first real capital investment the organization has made. It is therefore a major undertaking for the Secretariat and all of us."

After the first inauguration of the ARIPO premises, the organization embarked on its newly added mandates in cooperation with stakeholders, and also by changing the internal structure at the Secretariat with the recruitment of additional staff. Pressure of space ensued and additional office space was needed. Plans for construction of a new block behind the main office block were concluded in 2003, and work started on the construction of a double-story block of offices and other function areas.

The new office block was inaugurated in February 2006 as the Kamil Idris Building, named after a former Director General of WIPO, containing offices but also housing the ARIPO Regional Training Centre (ARTC), now the ARIPO Academy.



Mr Mzondi Charambo speaking during the 25th Anniversary of ARIPO and Mr Ferdinand de Laet, technical advisor on establishing the Patent Documentation and Information Centre



ARIPO headquarters from 2011 to 2016



New ARIPO headquarters 2016

The ARIPO Headquarters

Highlights of the year 2016 showcasing the achievements of ARIPO are the completion of construction of the new headquarters complex which began in April 2015, and the commemoration of the 40th Anniversary.

The consolidation of two properties at Number 11 and Number 13 Natal Road into one stand occupying a total of 6228 square metres and the construction of the new complex at a total cost of \$4.9 million for the structure, renders the ARIPO Headquarters as one of the biggest office buildings in the Harare suburb of Belgravia, an impressive new landmark showcasing 40 years of achievements.

As ARIPO has continued to grow in its mandates, structure and staffing levels, the existing headquarters building at 11 Natal became increasingly inadequate to accommodate all of its activities. A decision was taken to purchase the adjacent stand to provide further extension of the headquarters. Construction started in 2015 and was completed in 2016 in time for the commemoration of the 40th Anniversary on 9 December 2016.

The new headquarters will accommodate offices and meeting rooms, exhibition space, an archives room, a mail and registry room, an in-house printing and publishing facility and a staff canteen. In front of the building, parking space is provided for a total of 40 vehicles.

Management of Technological Information

Patent Documentation and Information Centre

Consequent upon the United Nations General Assembly Declaration on a new International Economic Order, Resolution 3210(S-VI), to strengthen access to modern science and technology for developing countries, to assist in the acquisition of technology and in the development of indigenous technology, a Patent Documentation and Information Centre was established within the framework of the ARIPO Office. This was a major achievement of the first 10 years of ARIPO.

The establishment of this centre was financed by a UNDP project for which WIPO was the executing agency. Additional technical, financial and material assistance was obtained through WIPO from a number of industrialized countries and organizations, including the Patent Office of Austria, Federal Republic of Germany, Sweden, United Kingdom, United States and the European Patent Office (EPO).

This is a rapidly evolving area and, soon after its completion, the content and deliverables of the Documentation Centre altered drastically due to technological developments. Ferdinand de Laet, an engineer who was technical advisor and a dynamic force in establishing the Patent Documentation and Information Centre, played “an important advisory role as a friend of ARIPO,” Ntagoba says.

Services and Functions of the Patent Documentation and Information Centre

By the time ARIPO turns 40 in December 2016, the documentation content of the Documentation and Information Centre has been converted into a digital library and the content has been enriched through accessibility and utilization of databases. The Information Retrieval System, including search and examination, is now being performed online.

FROM PAPER TO PAPERLESS

20 Years 1976-1996, "From Paper to Paperless"

In the year 1982, when the Patent Documentation and Information Centre was established within the framework of ARIPO, it was planned to consist solely of paper patent documents.

Loose paper UK patent specifications and bound UK abridgements from 1959 to 1980 were donated by the UK Patent Office. They were shipped in a container and packed in 238 cardboard boxes.

The boxes occupied 50 cubic metres of space and were temporarily stored in the basement of the Zimbabwe Patent Office. To store the loose patent specifications would have needed 500 metres of shelves!

In addition, one million US patent specifications were offered but could not be stored due to lack of a thousand metres of bookshelves needed to store the one million documents.

An article by Ferdinand de Laet, the ARIPO technical advisor, entitled "A Paperless Patent Documentation and Information Centre to assist in the Transfer of Technology to Non-Industrialized Countries", published in 1983 in the *World Patent Information* (Vol. 5, No. 2, pp 91-100) showed that the establishing of a new patent documentation and information centre based on documents in paper form is practically not feasible.

Such a centre requires kilometres of bookshelves and thousands of staff hours to classify and file them in order to make them useful for patent searches.

The article suggests the use of a computer database with bibliographic patent data for patent searching and microfilms for storing the complete patent documents. The possibility that, in the future, the recently developed optical files could be used, is mentioned.

As a result of the article, the emphasis of the building up of the ARIPO Patent Documentation and Information Centre changed.

Whenever it was possible, patent documents were stored in micro-form. Patents specifications of ARIPO member countries were microfilmed and stored in micro-jackets.

For patent examination purposes, search results from other examining patent offices were utilised. The bibliographic data of the African patents were and are still recorded in an African Patent Database (AFPAT). This database was and is still used to carry out searches among Africa patents.

To reduce the paperwork, computer programs were written in the BASIC computer programming language to administer the processing of patent and industrial design applications. Also, programs were written to compute the fees to be paid and to be distributed to Member States.

Later, with the incoming of the CD-ROM discs, the documentation itself as well as the search strategy changed completely. One thousand full text patent documents are stored on one CD-ROM disc, so the storing of the bulk amount of thousands even millions of patent documents becomes feasible. Also, substantive patent examinations became feasible by means of ACCESS BIB and JOPAL CD-ROMS containing bibliographic data of patent documents and patent-associated literature.

In 1995, an internal computer network was established to reduce and facilitate the operation of the Office, with the intention that the internal network is connected to the ARIPO focal offices so that all the member states can consult the ARIPO internal databases.

The ARIPO secretariat has been connected to the Internet. In the future, correspondence with WIPO or other patent offices will be conducted by electronic mail.

Finally, the pros and cons of an ARIPO Website on the Internet are being investigated. More and more patent offices now publish their patent information to the general public by a home page on the internet.

ARIPO from an exclusively paper office is transferred in its 20 years of existing into a mainly paperless office, fulfilling the objectives it was created for.

20 Years 1976-1996, ARIPO Annual Report 1996

Through a search and examination scheme that has been established within the framework of the organization, the technological needs of member states are being satisfied through the search services provided by ARIPO since its inception, which include but are not limited to:

- Novelty searches – a search service designed to determine patentability of inventions.
- State-of-the-Art searches – the search service designed to investigate existing technology in a given field.
- Validity searches – a search service designed to validate the legal status of an IP right.

Development of ARIPO ICT Systems

The rapid changes in Information Communication Technology (ICT) mean that ARIPO must upgrade its capacity to remain relevant in the world with which it is exchanging information. Having introduced the local area network, the organization was next considering a larger picture in which the ICT facility of the ARIPO Headquarters and those of each one of the member state offices should be upgraded.

The upgrading was aimed at establishing good communication of electronic information between the ARIPO office and the member states or among the member states themselves, as well as with the world beyond the ARIPO region. This aspiration was realized when WIPO and the South Korean government evolved the KOICA Project supported by the Korean International Cooperation Agency (KOICA), which resulted in a new-look ICT structure in the ARIPO region.



Director General of ARIPO, Fernando dos Santos (beige jacket), during discussions on the ARIPO/WIPO/KOICA Project

With the quest to improve and provide better services to users, the ARIPO office launched the new state-of-the-art system for filing applications and searching of technological information by providing online filings and all other e-services found in the most advanced IP offices in the world. This marks the conclusion of the ARIPO/WIPO/KOICA Project to Upgrade and Modernize the ARIPO ICT Infrastructure and those of its Member States funded and implemented with assistance of KOICA and WIPO.

POLite+

Motivated by the quest to improve and provide better services to the users, the ARIPO Office inaugurated in April 2015, a state-of-the-art, web-based automated IP system known as POLite+. The system features online public services such as the e-service (e-filing, e-notification and e-search), IP digital library (search facility for patent, utility model, design and trademark data published by ARIPO), and access to online publications (ARIPO Journal and e-forms) by the public.

POLite+ provides a modern technological environment for IP administration, including online filing, online file inspection, online payment and receipting, e-notification, as well as access to downloadable online journals, forms and fees information.

With this new system, ARIPO at its 40th Anniversary has become one of the few offices in Africa that provide e-filing systems. The system through the Member State Module will allow online data communication and document exchange between ARIPO and its member states.

Advantages

- ❖ To ARIPO — improved efficiency and accuracy of IP administration; reduction of paper use; faster IP examination; and enhanced competency in the global IP field.
- ❖ To Member States — time saving and reduced communications costs; faster transaction with the ARIPO office; and improved efficiency in IP administration of ARIPO protocols.
- ❖ To the Public — reduction in IP application and transmittal time; better access to ARIPO published IP information; and increased research and business opportunities.

Information — The newest capital

In keeping with expectations, ARIPO uses information as an important input in the quest for achieving its objectives, as entrusted to it by the Lusaka Agreement and the attendant protocols. This has required input of information, both in electronic form and otherwise, and includes a facility for accessing the Internet and the ARIPO Office's local area network, whose centre is the POLite+ industrial property database.

Automation of ARIPO Business – Processing of IP Applications, Linkages with Member States and Establishment of Regional Databases

One of the main objectives of ARIPO is to pool the resources of member states in solving IP related issues by centrally handling most of the matters related to IP including grant & registration of IP Rights on behalf of the member states and Business support, Human Resources and Institutional Building of IP in the member states.

ARIPO was facing growing demands for efficient IP administration and provision of online services in order to improve accessibility to its published IP information, to reduce the time and cost of granting rights, to automate data exchange processes between the ARIPO Secretariat and its member states, and to provide quality examination services to the general public.

In recognition of those needs and challenges faced, the ARIPO Secretariat proposed a modernization project, to upgrade and improve its existing ICT infrastructure, and to cover a wide range of activities including technical consulting services, upgrade of the organization's in-ward focus IP administration system, establishment of an online IP database, provision of ICT equipment, training and technology transfer.

The core idea of the ARIPO modernization project was to upgrade and improve existing ICT infrastructure and implement an Internet-based IP system for the Secretariat and the Member States.

ARIPO is a decentralized model of IP processing and administration where its 19 Member States' IP institutions perform their own respective national IP administration but for regional IP registration and protection, applications are transmitted to ARIPO for subsequent processing, search and examination, publication, and registration/grant. Before the Automation, all such exchanges of IP data were performed manually and transmitted through paper resulting in long delays, growing backlogs and potential out-of-sync information.

In August 2013, ARIPO embarked on a Project for the Upgrade and Modernization of the ICT Infrastructure of the ARIPO Office and those of its member states. The goal of this project was to upgrade and modernize ICT infrastructure of the ARIPO Office and those of its 19 Member States.

The main objectives of the project include the enhancing of efficiency of the business processing and other administrative work at the ARIPO Office and those of its Member States, the facilitation of accessibility on Intellectual Property information in the region and in Africa at large and the strengthening of ICT institutional capacity in the ARIPO region and beyond.

This was achieved through a new system implemented with the support of the Korean International Cooperation Agency (KOICA) and the World Intellectual Property Organization (WIPO), the so-called KOICA-WIPO and ARIPO Project (POLite+).

The new IP administration system was launched on 2 March 2015 and the project was inaugurated on 24 April 2015. It is web-based and provides functions for IP work including online filing, online file inspection, online payment, access to online journals and form and fee information download.

The benefits of the project to date include reduction of paper records in IP file processing, elimination of duplicate records and processes across the ARIPO region, substantial productivity and efficiency gains amongst ARIPO stakeholders, significant savings on time and money through shorter processing time for IP applications arising from productivity improvements, cash flows management with online payment, and improved service to stakeholders which will attract more filings.

As a result of the automation of the business processing of applications at the ARIPO Office, the processing time has been reduced by 50%, the communication costs between Member States and the ARIPO Office have been reduced by 80%. The online filing uptake and communication with applicants has increased to 40% and it is envisaged that this will soon increase to 90% of all filings.

To further improve the business operations of ARIPO and its linkages with the member states, the organization is aiming at the creation of an online IP regional database, the digitization of all IP data at ARIPO and its member states, online filing and file inspection, Internet publication service, IP status tracking system for applicants, online payment, etc.

The project proposal for the creation of a regional database for published IP titles of the ARIPO Office and those of its member states was approved at the 38th Session of the Administrative Council of ARIPO, held in Victoria Falls, Zimbabwe, in November 2014. The objective of the project is for ARIPO to create a centralized database for its published IP titles and those of its member states.



KOICA project discussions after launch at the ARIPO headquarters

The regional IP database is designed to serve multiple purposes, including online provision of published IP data, encouragement of regional trade, IP scientific research, IP rights protection, IP respect and enforcement in the ARIPO region, and sustainable development of IP. The project also includes an inventory and regional digital library/database on traditional knowledge and a regional copyright database intended to support the social and economic development of the region and Africa at large.

The ARIPO Academy

Establishment of the ARIPO Academy was mandated by Article III of the Lusaka Agreement which empowers ARIPO to establish schemes for the training of staff in the administration of Intellectual Property (IP) laws, organize training seminars and other meetings on IP matters and promote the exchange of ideas and experiences as well as conduct research studies in the field of IP.

The proposal by the ARIPO Secretariat to establish the ARIPO Regional Training Centre (ARTC) was approved by the Administrative Council of ARIPO at its 26th Session held in Windhoek, Namibia from 25-29 November 2002. Approval for the construction of the training centre included a conference room with a capacity of 50 people, a library, a training room with 25 computer work stations and ten offices.

Construction of the ARIPO Regional Training Centre commenced in January 2003 and was completed at the end of 2005. The ARTC was inaugurated on 15 February 2006.

The change of name from the ARTC to the ARIPO Academy was approved by the Administrative Council at its 34th Session held in Harare, Zimbabwe from 22-26 November 2010.

The functions of the ARIPO Academy include:

- ❖ promotion of the understanding and development of the Intellectual Property system in the member states of ARIPO and Africa as a whole;
- ❖ developing human resources in the field of Intellectual Property through training;
- ❖ conducting research and making available information on IP for the general public; and,
- ❖ fostering partnerships and cooperation with other IP institutions worldwide.

The management, operations and training programmes of the Academy were reflected in its five-year development plan (2011- 2015) which was approved by Council of Ministers at its 13th Session held in Accra, Ghana on 1-2 December 2011 after review by the 35th Session of the Administrative Council.

More than 5,000 people have benefitted from ARIPO training programmes, some of which were organized in collaboration with cooperating partners and other stakeholders.

In 2008, the ARIPO Academy expanded its activities to include a Master of Intellectual Property (MIP) degree programme which is offered in partnership with the World Intellectual Property Organization (WIPO) and Africa University in Mutare, Zimbabwe. The MIP programme has graduated 218 students from 25 countries across the African continent.



ARIPO Regional Training Centre, now the ARIPO Academy

The ARIPO Academy has to date offered 54 scholarships to students from the ARIPO member states and also awards graduation prizes to the best graduating student and to the student who demonstrates leadership potential in IP.

The ARIPO Academy has also partnered with Africa University to publish biannually, a scholarly, peer-reviewed journal called the *African Journal of Intellectual Property* (AJIP), starting from December 2016.

The Academy will be partnering with Kwame Nkrumah University of Science and Technology in Kumasi, Ghana to establish a Master of Intellectual Property (MIP) degree programme in 2017, and is also discussing with the University of Dar es Salaam.

Construction of the Training Structure

Following a decision of the Administrative Council, construction of an extension block at the ARIPO Belgravia headquarters commenced in 2003. At the inauguration in 2006, three rooms were named in honour of people who had made a significant contribution to the development of ARIPO: the Jeremiah Herbert Ntagoba Conference Room, the Anderson Ray Zikonda Library and the Ulrich Walter Uchtenhagen Training Room.



Justice Herbert Ntagoba Conference Room, named after the first Director General (1981–1988), has a capacity of 24 seats around the conference table and additional seating capacity for 26 delegates, two booths for language interpretation, and an audio-visual control room. The conference room has a wide range of technologies that can be integrated and centrally controlled to adapt to a very wide range of presentations and meeting needs.



Anderson Ray Zikonda Library is named after the second Director General (1988–1996), and serves as an Intellectual Property Information Centre, with reading desk and chairs for 12 people. The library is equipped with state-of-the-art, multimedia digital equipment for cataloguing and internet access, a collection of books, journals and CD/DVD-ROMS on intellectual property.



Ulrich Uchtenhagen Training Room is named after a WIPO consultant on collective management, who died on 31 January 2003 from injuries sustained in a road accident near Rusape in Zimbabwe. He was on his way to the Eastern Highlands to conduct a training course on copyrights for the staff of the ARIPO Secretariat. The training room named in his honour accommodates 25 participants.

ARIPO: Who we are & What we do, ARIPO 2016

Activities of the ARIPO Academy

After its inauguration in 2006 the ARIPO Regional Training Centre was renamed the ARIPO Academy for its significance, not only as a proposed centre of learning excellence in the study of emerging issues of Intellectual Property in this region but also for its anticipated function as the first institution established in the region solely for the teaching and learning of intellectual property.

Programmes of Study Offered

In order to assess availability of resource personnel for intellectual property teaching for programmes offered, ARIPO compiled an African-comprehensive Directory of Intellectual Property Experts containing contact details, qualifications and experience of the experts listed in the directory. This became a fruitful source of lecturers for the programmes.

In partnership with many cooperating partners, the organization began to hold scheduled short-term courses, ranging from skills for management of copyright management organizations, for judges and law enforcement officers on copyright law enforcement, to skills for drafting of patent specifications, understanding and application of the Intellectual Patent Classification, as well as training in the ARIPO procedures under the Harare and Banjul Protocols.

The only long-term programme of study introduced has been the Masters in Intellectual Property, currently running in partnership with WIPO and Africa University, based at its campus in Mutare, in the Eastern Highlands of Zimbabwe.

The Master's Degree programme is offered jointly with the WIPO Academy, Africa University in Mutare, Zimbabwe and ARIPO, with financial assistance from the Government of Japan. According to the 2016 calendar, the programme has been structured in three cycles stretching over 12 months for students graduating in 2016.

- ❖ 1st Part (1 May - 20 July 2015)
WIPO Academy distance learning courses via the Internet.
- ❖ 2nd Part (3 August - 4 December 2015)
Residential part of the program consisting of face-to-face classes held at Africa University and including three weeks of practical training at ARIPO Headquarters in Harare, Zimbabwe.
- ❖ 3rd Part (5 December 2015 - 30 April 2016)
Research project and dissertation writing on a selected and approved topic.



The ARIPO Academy is the first institution established in the region solely for the teaching and learning about intellectual property



Graduation of the Masters in Intellectual Property students at the Africa University in Mutare, Zimbabwe on 8 September 2012

ARIPO National Roving Seminars

The 37th Session of the Administrative Council of ARIPO that took place in Kampala, the Republic of Uganda on November 25 and 26, 2013 approved a proposal for the Secretariat to undertake national roving seminars on how to make better use of intellectual property for business competitiveness and development in Africa, for implementation in the 2014-2015 biennium.

The ARIPO National Roving Seminars constitute the flagship of the current tenure and were devised to create awareness of the important role the Intellectual Property system plays in the economies of the member states.

The specific objectives of the ARIPO roving seminars were the following:

- ❖ To sensitize senior Government officials, policy and law makers on the intellectual property system to support the modernization of the IP policies and laws as well as ratification/accession of regional and international treaties;
- ❖ To create awareness about IP among IP generators (universities, research institutions and MSMEs) for business competitiveness and development;
- ❖ To create awareness amongst the general public on the important role that intellectual property plays in the social, cultural, economic and technological development of member states in particular and Africa as a whole;
- ❖ To promote the use of technological information contained in patents for research and development;
- ❖ To train the staff of the national IP offices of the member states on the ARIPO Procedures.

Since its inception this initiative covered 14 countries — Botswana, Ghana, Kenya, Lesotho, Liberia, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Sierra Leone, Swaziland, The Gambia, Uganda and Zambia and benefitted directly more than 2,000 participants.

The participants were drawn from Government institutions (including Police and Customs), IP Offices, Collective Management Societies, IP Activists, Patent Agents and Trademark Attorneys, Universities and Research Institutions, business community, particularly, the Micro, Small and Medium Enterprises (MSMEs), Chambers of Commerce, Representatives of the National Bar Associations, Artists, Practitioners of Traditional Knowledge, Non-Governmental Organizations, Consumer Welfare Associations and Media.

The opportunity was also seized to sensitize policy-makers through meetings with Ministers responsible for IP as well as parliamentarians. The general public was informed through media coverage of these events.

During the roving seminars, technical missions were also undertaken to conduct onsite practical training on processes and procedures for ARIPO applications as well as assist with effective management of the IP Offices. The aim of the technical missions was to conduct a practical training on processing of ARIPO application (both Harare and Banjul Protocols) and discuss challenges faced by the offices in processing ARIPO applications as well as assess the possibility of integrating ARIPO Forms and documents into IPAS.

One of the messages that have been continuously conveyed to the Member States was to keep the momentum and undertake awareness initiatives on a regular basis throughout their respective countries. With regard to the future ARIPO envisages a focus on awareness creation in universities and research institutions by offering a package consisting of:

- Development of IP institutional policies;
- establishment of a Technology Transfer Office or Innovation Offices; and
- IP Awareness creation among students and researchers.

Roving seminar held in Namibia in May 2016





Value and growth transformation...

Fifth Director General 2013 --

Fernando dos Santos from Mozambique

An entire professional life dedicated to IP

The first encounter with the intellectual property subject for Fernando dos Santos was during the Postgraduate Course on International Trade Law that he attended soon after his graduation in the year 2000 in Turin, Italy. He was impressed by the subject and he decided to write his final paper on “Technology License Agreements”.

During the same year he was awarded a scholarship to deepen his knowledge in the first edition of the Post Graduate Course on Intellectual Property that was jointly organized by the WIPO Worldwide Academy and the University of Turin at the International Training Centre of the International Labour Organization located on the splendid margins of the Po River, in Turin, Italy.

One of his mentors was the IP passionate professor, Professor Mpazi Sinjela from Zambia, who was then the Dean of the WIPO Worldwide Academy. Classmates included Marisella Ouma, who later became the Executive Director of the Kenyan Copyright Board (KECOBO) and is one of the most eminent IP scholars on the African continent.

In 2003, while working as a Coordinator of the Training Activities on Social Dialogue for the Portuguese Speaking Countries at the International Training Centre of ILO, Dos Santos had an encounter with the Mozambican participants to the course. One of the participants was the then Permanent Secretary of the Ministry of Industry and Trade of Mozambique, Mrs. Maria José Lucas.

The meeting with Mrs Lucas would change his life forever. She indicated that the Government of Mozambique was geared to establish an IP system in the country but lack of expertise was delaying implementation of the decision.

In consultation with the Minister in charge, Mr. Carlos Morgado, she then invited Dos Santos to assist in the development of the IP legal framework and to establish an autonomous IP Office in Mozambique. Dos Santos accepted the challenge and returned to his mother country to successfully develop the IP system.

One of the first assignments given to Dos Santos by his government with regard to the IP system was to assess the sustainability of membership to ARIPO. In view of the financial burden due to contributions to be paid to ARIPO, the government was considering pulling out from the organization.

“We know your qualities very well as an achiever having experienced your excellent contribution to the growth of ARIPO while you headed the Mozambican Intellectual Property Office. We also know that you have the acumen and flare for the new challenges.” - Dora Makwinja, Copyright Administrator and Executive Director of the Copyright Society of Malawi (COSOMA) in her congratulatory message to Dos Santos when he was appointed Director General of ARIPO in 2013.



Director General of ARIPO, Fernando dos Santos

Eventually he met the then Director General of ARIPO, Mzondi Chirambo, at a conference to commemorate the 10th anniversary of the conclusion of the WTO TRIPs Agreement, which was held in Brussels on 23 - 24 June 2014.

Chirambo invited him to visit ARIPO on the occasion of the meetings of the Heads of Copyright Offices which was held in Harare on 5-6 July 2004. After due consideration, Dos Santos advised the Government of Mozambique to remain at ARIPO.

The rapid growth of the Mozambican IP system under his stewardship was key to his election as Director General of ARIPO in 2012. His pledge was based in a document which contained 50 points that would inspire change and growth in the organization, focusing specifically on the improvements in key areas: management of IPRs, business processes, service delivery to Member States and users and of the organizational structure, image and visibility of the organization.

Each of these areas has seen progress during his first term in office.

The plan for the next five years, *Value & Growth Strategic Transformation Plan 2016-2020* was developed by the Director General and his team during his first term. Dos Santos pledges in his Foreword to the document: "We aim to achieve many new milestones through improved productivity and efficiency across the entire organization, especially our Intellectual Property registration, operations and education process, while continuously seeking new ways to improve and grow our support services.

"In partnership with key stakeholders, we need to invest and build a robust intellectual property infrastructure to position ourselves for future growth characterized by speed and agility, in order to serve all our customers across this beautiful continent of Africa."

The achievements made by Dos Santos in his first tenure prompted the Administrative Council at its 39th Session held in November 2015 to renew his contract for a further term of four years (2017-2020).

DG Fernando dos Santos — Need to Vigorously Generate Awareness on IP Issues

"At the Thirty-seventh Session of the Administrative Council that took place in Kampala, Uganda on November 25 and 26, 2013, the Council approved for the Secretariat of ARIPO to vigorously undertake sensitization, awareness drive and capacity building in the Member States. This initiative became our flagship programme in 2014.

"We visited five Member States in southern and West Africa and we spread the message of ARIPO and IP to the people of those Member States and created direct impact to more than 650 participants who attended the Roving seminars.

"The messages of encouragement that we received, together with the impact in the countries that we visited inspire us to continue."

Director General's Report to the 38th Session of ARIPO Administrative Council, November 2014



Director General of ARIPO, Fernando dos Santos at the Annual Conference of In-house IP Managers held in China in January 2016



Major Achievements and Goals

A MEASURE OF ACHIEVEMENT of ARIPO over the past four decades is to review progress against the original objectives of the Lusaka Agreement in order to assess the extent to which this vision is being met. Another measure is informed by the achievements that have been made in implementing the supplementary treaties to the Lusaka Agreement. These achievements include the harmonization of intellectual property laws; the supplementary treaties to the Lusaka Agreement; strategic partnerships and institutional linkages; infrastructure development; organizational structure; documentation and information centre; membership; the ARIPO Academy; Secretariat staffing; financial management; ICT development; meetings of Organs; strategic plans; renaming to reflect the broadening mandate; and rebranding.

At its inception, with its limited mandate, the organization adopted a suitable emblem comprising gears depicting Technology, the map of Africa depicting the Domain, and the balancing weight depicting Justice.

ARIPO has rebranded and updated its image in 2016 to correspond with its current mandates and future vision. At its 40th Anniversary, ARIPO has a fresh, new, modern, continental logo reflecting the above achievements and the way forward.



Mr Robert Chiweza (white shirt) explaining the ICT equipment funded and implemented with the assistance of KOICA and WIPO, to Hon. Fortune Chasi, then Deputy Minister of Justice and Constitutional Affairs (in blue jacket), the Director General of ARIPO, Mr Fernando dos Santos (left) and Director of IP, Mr Christopher Kiige

Achievements of ARIPO

African Regional Intellectual Property Organisation

1 January 2013 - 30 November 2016

The incumbent Director General of the African Regional Intellectual Property Organization (ARIPO), Mr. Fernando dos Santos, was appointed by the 36th Session of the Administrative Council that took place from 26-30 November 2012 at Zanzibar in the United Republic of Tanzania. He has served in that position for four years since 1 January 2013, and he considers as the main achievements in this period:

- ❖ Modernization of the ARIPO infrastructure with the conclusion of the new headquarters building;
- ❖ Automation of the business processes through the successful implementation of the ICT project – POLite+;
- ❖ Improvement of the management systems of the organization; and,
- ❖ Promotion of the visibility of ARIPO in the Member States, in Africa in general, and worldwide.

In particular, the following achievements can be highlighted.

I. MANAGEMENT AND DEVELOPMENT OF ARIPO PROTOCOLS

1. Entry into force of the Swakopmund Protocol

The Swakopmund Protocol for the Protection of Traditional Knowledge and Expressions of Folklore was adopted in 2010 and entered into force on 11 May 2015. Eight states ratified or acceded to the Protocol: Botswana, Malawi, Namibia, Rwanda, The Gambia, Liberia, Zambia and Zimbabwe.

2. Adoption of the Protocol for the Protection of New Varieties of Plants – The Arusha Protocol

A Diplomatic Conference was held in Arusha, Tanzania on 6 July 2015 for the adoption of the ARIPO Protocol for the Protection of New Varieties of Plants. The new Protocol received five signatures (Ghana, Mozambique, Sao Tome & Principe, The Gambia and United Republic of Tanzania) and is yet to receive ratifications to enter into force.

3. New accessions to existing Protocols

During the period 2013 – 2016, the following accessions were received –

- Harare Protocol on Patents and Industrial Designs: São Tomé and Príncipe (2014)
- Banjul Protocol on Marks: São Tomé and Príncipe (2016)
- Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore: Zimbabwe (2013), Namibia, The Gambia, Zambia (2015), Liberia (2016).

II. ARIPO MEMBERSHIP

In 2014, São Tomé & Príncipe joined ARIPO becoming the 19th Member State.

III. MANAGEMENT OF INTELLECTUAL PROPERTY RIGHTS

1. Growth in the number of applications of industrial property rights

The ARIPO regional registration system of Intellectual Property Rights received the following numbers of applications since the inception in 1984: 9564 patent applications, 86 utility models applications, 1149 industrial designs applications and trademark applications.

Patent applications rose from 603 in 2012 to 693 (2013), 835 (2014), slight decline to 780 (2015). As of 23 November 2016, ARIPO has received 603 patent applications.

Utility models applications numbers remained almost stagnant in the first two years with 7 (2012) to 8 (2013), 10 (2014) but 2015 has registered a record number of 21 applications. As of 23 November 2016, there were 26 applications.

Industrial design applications have increased from 148 (2012) to 217 (2013), 154 (2014). As of 23 November 2016, 76 applications were filed.

Trademark applications has registered a slow growth from 533 classes (2012) to 597 (2013), 701 (2014), 505 (2015). As of 23 November 2016 there were 422 classes of marks received.

2. Implementation of the Copyright mandate

A Copyright Department was created at the Secretariat and a Technical Committee for Copyright and Related Rights was established as a subsidiary organ of the Administrative Council. A number of other initiatives were undertaken, including those aiming at the development or improvement of operations of the collective management organizations, training of the members of enforcement agencies on IP protection, development of training materials for the enforcement agencies and publications on relevant topics on copyright. Thus, recent years have seen a quicker momentum in the process of implementing the mandate.

IV. IMPROVEMENT OF ARIPO INFRASTRUCTURE

1. Construction of the extension of the ARIPO headquarters

A new modern building accommodating more offices, conference rooms, meeting rooms and new parking bays was built and its inauguration was set to 9 December 2016.

2. Project of upgrade of the ARIPO's Information Communication Technology (ICT) infrastructure and that of its Member States

ARIPO became one of the few offices in Africa that provides e-services. The new state-of-the-art system for filing applications, searching of technological information and payments online, became operational in March and was officially launched on 25 April 2015.

3. Improvement of the Library

The ARIPO library, named after the second Director General, Anderson Ray Zikonda received special attention during this period. A number of new books on IP were purchased from different publishing houses and received from donors to enrich the library collection available. The new collection has rendered the library up to date in order to become a reference for researchers on IP issues in the region. The library also benefited from furniture, shelves and security systems.



V. IMPROVEMENT IN THE MANAGEMENT OF THE ORGANIZATION

1. Strategy development and implementation

The Medium Term Strategic Plan 2011 - 2015 was revised. The Consolidated Strategic Plan approved by the Administrative Council reduced the strategic goals to five, and the implementing programmes to 15 making its implementation smooth and efficient.

In 2015 a new Value and Growth Strategic Transformation Plan for 2016 - 2020 was adopted by the Administrative Council. The new Strategy defines 6 objectives: Provision of Premier IP Services; Promotion and Development of IP Policies, Laws and Systems Appropriate to the Needs of the Member States and International Cooperation; Promotion of Creativity, Innovation, and the Utilization of IP; Capacity Building and Awareness Raising; Revenue Generation and Mobilization; and Effective Resource Management, Governance and Support.

The Strategy sets 10 programmes and will seek to achieve many new milestones through productivity and efficiency improvements across the entire organization especially in the intellectual property registrations, operations and education process, while continuously seeking new ways to improve and grow the support services.



2. Improvement of office coordination

In line with the provisions of the ARIPO Staff Rules and Procedures, the Director General set up several committees to assist in the smooth running of the Organization:

- the Coordination Committee,
- the ARIPO Internal Tender Evaluation Committee (AITEC), and,
- the Recruitment and Promotions Committee.

Ad-hoc Committees were also created to cater with specific topics such as the Committee on Strategic Planning & Monitoring, Committee on Promotion of Industrial Property Rights and the Committee on Financial Management.

3. Improvement of Human Resources management

The Human Resources function has moved away from being a passive provider of basic administrative services to be an active actor by developing new policies and systems to become a true business partner and source of trusted advice to the overall management and the governing bodies of ARIPO.

ARIPO staff remained consistent ranging from 44 to 46 during the period 2013 – 2016.

A Human Resource Development Plan was approved by the Administrative Council and integrated in the new value and growth strategy 2016-2020. The Plan will lead the identification, recruitment and retention of a high performing workforce. The comprehensive review of the “Staff Rules and Procedures” was also undertaken.

In 2014, the ARIPO office introduced the “The Most Outstanding Employee of the Month Award” to recognize, encourage and reward innovation, creative thinking and outstanding performance of employees. The award is given to those employees who propose innovative ideas and initiatives over and above the usual expectations and responsibilities of their roles.

4. Consolidation of financial transparency

To ensure more effective and efficient management of the organization's financial resources, the strengthening of internal controls and external oversight, and the compliance with the new accounting standards – the implementation of the International Public Sector Accounting Standards (IPSAS) was set as a high priority.

To address audit issues and to provide the Administrative Council with necessary assurance on the effectiveness of internal control and risk management systems at the Secretariat, an Audit Department was created and an Audit Committee established as subsidiary body of the Administrative Council.

5. Improvement of the functioning of ARIPO governing bodies

The work of the governing bodies of ARIPO namely the Council of Ministers, Administrative Council, the Administrative and Technical Committees and the Board of Appeal is dependant of the quality of information and documentation provided for by the Secretariat.

In order to allow issuance of well-informed decisions of the organs of ARIPO, the Secretariat focused on the preparation of those gatherings. Streamlined internal coordination and planning is now contributing for the thoroughly and timely preparation of meetings of the Governing bodies, and so facilitate their work. Timely dispatch of documents to the governing bodies is also ensured in order to improve the implementation of their decisions, their functioning and transparency of their activities.

VI. CAPACITY BUILDING

The Masters Degree Program in Intellectual Property jointly organized by ARIPO/WIPO and Africa University in Mutare, Zimbabwe continues to develop skills on IP in Africa: eight editions were organized producing 218 graduates. ARIPO has provided at least 54 scholarships. In the last 4 years the number of ARIPO sponsorships was increased from 6 to 10 every year.

ARIPO also undertook technical missions to the IP Offices of ARIPO Member States in order to capacitate the officers in handling ARIPO applications. A number of officers of the national offices were also attached to ARIPO for 3 to 15 days in order to learn more about its operations and assist in the improvement of operations at the national level.



VII. AWARENESS CREATION

1. ARIPO Roving Seminars

The ARIPO Roving Seminars constitute the flagship of the current tenure and were devised to promote the use of IP in the ARIPO Member States. Since its inception this initiative covered 14 countries (Botswana, Ghana, Kenya, Lesotho, Liberia, Mozambique, Namibia, Rwanda, São Tomé and Príncipe, Sierra Leone, Swaziland, The Gambia, Uganda and Zambia) and benefitted directly more than 2,000 participants. The opportunity was also used to sensitize policy-makers through meetings with Ministers responsible for IP as well as parliamentarians. The public was reached through media coverage.

2. Use of the social media

ARIPO website was upgraded and is now updated regularly and provides information on the events organized by ARIPO. A Facebook page was developed and provides a more interactive way of dissemination of information about ARIPO initiatives on IP. This platform has also contributed immensely in the promotion of the visibility of the organization. Other platforms such as LinkedIn and Flickr are receiving special attention under the new marketing plan.

VIII. USER'S MEETINGS

The ARIPO Office embarked on the initiative of sensitizing and attracting more users to file applications through the ARIPO route. To that aim missions and attendance to users meetings were undertaken. Priority was given to meetings organized by INTA, AIPPI, FICPI and organizations based in China, France, India, Italy, South Africa, United Kingdom, United States.

As a response to the growing visibility of the organization, a number of users also visited Harare to acquaint themselves with the operations of the organization, including: Adams & Adams (Mozambique and South Africa), Spoor & Fisher (South Africa), Thomson Reuters (South Africa), Japanese Intellectual Property Association (JIPA), Kenya Industrial Property Tribunal, Kenya Industrial Property Institute, State Intellectual Property Office (SIPO) of the People's Republic of China, European Patent Office (EPO), IMPI-Mexico, European Union Intellectual Property Office, State Administration of Industry and Trade (China), and COMESA.

A new and efficient mechanism to facilitate visibility and popularization of ARIPO among the users, was introduced and consists of an ARIPO exhibition during the most important annual meetings of users such as INTA, AIPPI and FICPI. ARIPO also exhibited at Trade Fairs in Zimbabwe and Zambia.

User's meetings were held with a number of companies at their headquarters: Bureau National Interprofessionnel du Cognac and Paris – Institut National de la Propriété Industrielle (INPI) in France; Marico, Wockhardt Limited, Godrej Industries Ltd, Dr. Reddy's Laboratories Ltd., Cipla in India; Nestlé, Novartis, F. Hoffmann - Roche, Ltd., Abbott and Syngenta in Switzerland; and Praxi, Intellectual Property in Italy.

IX. COOPERATION WITH PARTNERS

1. Cooperation with Strategic Partners

Strong cooperation with strategic partners was a priority in the current dispensation. Therefore, agreements were signed with the following partners: African Intellectual Property Organization (OAPI), IP Australia, the Mexican Institute of Industrial Property (IMPI Mexico), Mexican National Institute of Copyright (INDAUTOR), State Administration for Industry and Commerce (SAIC) and State Intellectual Property Office (SIPO) of the People's Republic of China, Norwegian Copyright Development Association (NORCODE), European Union Intellectual Property Office (EUIPO), United States Patent and Trademark Office (USPTO), University of Dar es Salaam (United Republic of Tanzania), French National Seeds and Seedlings Association (GNIS), Kenya Industrial Property Tribunal of the Republic and the National Institute of Industrial Property of Brazil (INPI).



Director General of ARIPO, Mr. Fernando dos Santos during the annual meeting of the International Trademarks Association (INTA) held in San Diego, California from 2 to 6 May 2015

2. Engagement of the diplomatic community in the host country

Engagement of the diplomatic community of the host country opened up another channel of communication of the ARIPO activities to member states governments. Involvement of the diplomatic community in the host country in the training activities, seminars and other events has expanded the spectrum of stakeholders that are educated on IP and its importance for the social, economic and technological development of the countries. The diplomatic community is now invited regularly to attend ARIPO events including training initiatives, thus disseminating more information on IP.

The Director General has been invited to address the caucus of the African Ambassadors and the SADC Ambassadors in Harare to explain the activities of ARIPO and its relevance for development.

Value and Growth Strategic Transformation 2016–2020

During the period 2011–2015, implementation of ARIPO's mandate was guided by the Medium Term Strategic Plan 2011–2015. Under the new tenure, a consolidated 2011–2015 Medium Term Strategic Plan was developed, streamlining some of its programmes and objectives. The Strategy was successfully implemented and came to an end on December 31, 2015.

To ensure that ARIPO leverages on the achievements over the last 40 years in pursuit of its quest to foster creativity and innovation for economic growth and development in Africa and ultimately achieve its vision to be Africa's leading intellectual property hub, ARIPO developed an innovative strategy underpinned in the Value and Growth Transformation Strategic Framework (V&G).

V&G was developed through a series of Strategic Planning and Validation Sessions and consultative sessions that involved staff, stakeholders and Member States. The V&G was subsequently approved by the 39th Session of the Administrative Council that was held in Lusaka, Republic of Zambia from 16 to 18 November 2015.

V&G is a well-constructed and sustainable transformation programme that will over the course of the next five years change the face of the Organization with regards to performance and culture. This is being pursued through the entrenchment of a culture of High Performance Leadership where all individuals have the duty to take charge, clarifying for themselves what needs to be done and why, with leaders then providing guidance on how such performance should transpire as ARIPO pursues the following Strategic Goals for the next 5 years:

- ❖ Provision of Premier IP Services
- ❖ Promotion and Development of IP Policies, Laws and Systems Appropriate to the Needs of the Member States and International Cooperation
- ❖ Promotion of Creativity, Innovation, and the Utilization of IP
- ❖ Capacity Building and Awareness Raising
- ❖ Revenue Generation and Mobilization
- ❖ Effective Resource Management, Governance and Support

These strategic goals will be implemented through 10 programmes and will seek to achieve many new milestones through productivity and efficiency improvements across the entire organization especially in the intellectual property registrations, operations and education process, while continuously seeking new ways to improve and grow the support services.

In pursuit of this change initiative, the organization shall implement an in-house Value and Growth Transformation Performance Management System (PMS), which shall provide the necessary processes and procedures to enable staff to perform at their best. Individuals have been aligned with the Organization's mission, vision, strategy, objectives and key measures through an organizational restructuring exercise that was completed in early 2016. By having the right people in the right places, the Organization is assured of the growth and development of ARIPO's larger Leader capabilities to achieve the following: sustainable year on year revenue growth; exceptional performance standards that reflect organizational demands; client value creation; diversified membership base; compliance and harmonization; and integrated and aligned business processes.

The V&G Strategy provides for a monitoring and evaluation framework in order to ensure that the objectives and targets set are met. To that effect, at the beginning of the financial period, every employee will present a High Performance Accountability Assessment Plan. This will then be used to review employees' performance every quarter and signed off. The occasion is also an opportunity to undertake a review of the status of implementation of the plans by the Directorates, Divisions and Departments. A Report will be presented at the end of every year to the Administrative Council detailing the status of implementation of the V&G Strategy.

Conclusion

FROM HUMBLE BEGINNINGS as a vision by English-speaking African countries to pool their human and financial resources in the administration of an industrial property system, which none could afford to administer alone, to a Pan-African organization with modern technology systems 40 years later, the African Regional Intellectual Property Organization (ARIPO) has grown to be a model institution for IP administration and cooperation in Africa and beyond.

This progress is due to the cooperation of member states, partner organizations, the host country, and the ARIPO Secretariat staff with the leadership skills of five Directors General and the guidance of the Council of Ministers and the Administrative Council. This cooperation continues to show collective results as we enter our next decade towards 50 years, with benefits accruing to member states as well as to the users of our services, and generally to the development of the African continent.

Established by the Lusaka Agreement of 9 December 1976, ARIPO celebrates its 40th anniversary on 9 December 2016. Starting with an initial five members, there are now 19 African countries that are party to the Lusaka Agreement and therefore members of ARIPO -- *Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Sierra Leone, Liberia, Rwanda, São Tomé and Príncipe, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe*.

An additional 12 countries have observer status and can be considered as potential members.

The “English Speaking” part of the name was dropped in 1985, leaving the African Regional Industrial Property Organization, reflecting its new Pan-African outlook. Later, on acquiring a broader mandate for copyright and related rights, the name was again updated to embrace the spectrum of intellectual property, as the African Regional Intellectual Property Organization.

The progress and achievements of the first 40 years can be measured against the expectations of its founders, and the objectives of the Lusaka Agreement.

These achievements cover a broad spectrum of building a successful regional IP organization, including the harmonization of intellectual property laws; the expansion in the number of treaties and mandates; increase in membership; improvement of the infrastructure of the organisation; and enhancement of visibility of ARIPO in Africa and worldwide.

The aspirations of the Lusaka Agreement have been developed into practical implementation through additional agreements, each focusing on a specific sector of intellectual property. These are the Harare Protocol on Patents and Industrial Designs (1982), Banjul Protocol on Marks (1993), Swakopmund Protocol on Traditional Knowledge and Expressions of Folklore (2010), Arusha Protocol on Protection of New Plant Varieties (2015).

While the legal framework has expanded so too has the physical space. The year 2016 marks 40 years since the formation of this innovative organisation, and this historic occasion is marked by the inauguration of the new headquarters complex at 11 Natal Road, in the Belgravia suburb of Zimbabwe’s capital, Harare, which will change the face and work of the organization and facilitate its expansion with more offices, conference and meeting rooms.

The new infrastructure accommodates the ARIPO Academy that runs workshops, seminars and training courses to advance IP knowledge, and sponsors selected students for the Masters Degree in Intellectual Property established at Africa University in Zimbabwe, with possible expansion to the University of Dar es Salaam and to the Kwame Nkrumah Science and Technology University in Kumasi, Ghana.

Roving seminars are hosted by member states to help business, researchers, lawyers and innovators to keep up with developments in local and global IP services.

The organizational and management structures have been strengthened through the addition of an audit department and an audit committee, and new technical committees, and with revision of the human resources functions away from being a passive provider of administrative services to be an active participant by developing new policies and systems to become a true business partner and source of trusted advice.

To ensure that ARIPO leverages on its achievements to foster creativity and innovation for economic growth and development in Africa, it has developed an innovative strategy in the Value and Growth Transformation Strategic Framework 2016-2020.

ARIPO has rebranded and updated its image in 2016 with a fresh, new, modern, continental logo reflecting the above achievements and the way forward into the future.



SHAPING THE IP LANDSCAPE IN AFRICA

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