INTELLECTUAL PROPERTY
GOOD FOR BUSINESSES
BACKGROUND INFORMATION ON THE AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

INTRODUCTION
The African Regional Intellectual Property Organization (ARIPO) is an intergovernmental organization, which was established on 9 December, 1976 under the Lusaka Agreement signed in Lusaka, Zambia. Its mandate is to develop, harmonize and promote intellectual property in the Member States of the Organization and in Africa.

Membership of the Organization is open to all the States members of the United Nations Economic Commission for Africa (UNECA) or the African Union (AU). Currently there are eighteen Member States, namely; Botswana, The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mozambique, Namibia, Rwanda, Sierra Leone, Somalia, Sudan, Swaziland, United Republic of Tanzania, Uganda, Zambia and Zimbabwe.

Substantive activities of the Organization are implemented through three treaties each focusing on a specific field of intellectual property. These treaties are: (a) the Harare Protocol on Patents and Industrial Designs; (b) the Banjul Protocol on Marks, and (c) the Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore.

The Harare Protocol was concluded in 1982 and entered into force on April 25, 1984. Among other functions, it empowers the ARIPO Office to grant patents and register industrial designs as well as utility models on behalf of the treaty’s contracting states. The Harare Protocol incorporates other international treaties of relevance, for instance, the Patent Cooperation Treaty (PCT) and therefore enables applicants from the African region and elsewhere to file international applications and obtain protection of their intellectual property rights. The Harare Protocol has also been linked to the Budapest Treaty, which enables applicant to provide information on new microorganisms claimed in patent applications. All Member States of ARIPO, with the exception of Somalia, are party to this treaty.

Search services
ARIPO has custody of worldwide patent documents. With the available documentation and information retrieval systems, the organization offers several search services to the public including state of the art, novelty, validity, Bibliographic and Patent map searches.

The Banjul Protocol was concluded on November 19, 1993 in Banjul, The Gambia and entered into force on November 28, 1997. Contracting states under this Protocol are Botswana, Kingdom of Lesotho, Liberia, Malawi, Namibia, São Tomé and Príncipe, Swaziland, Uganda, The United Republic of Tanzania and Zimbabwe.

The Protocol empowers the ARIPO Office to register marks for goods and services in respect of and on behalf of the contracting states. Similar to the Harare Protocol, the Banjul Protocol provides a centralised system of registration and provides a mechanism for the ARIPO system to co-exists with the national systems of the Banjul Protocol contracting states. Thus, an applicant can choose to register a mark with a national office for protection limited to that country or may elect to use the ARIPO route in which case the application should designate at least one contracting state up to the maximum of nine.

The Swakopmund Protocol was concluded on 9 August 2010 at a diplomatic conference held in Swakopmund, Namibia. It entered into force on May 11, 2015. It acknowledges that traditional and local communities have for long utilised their traditional knowledge and culture for their survival and livelihood, and that there is now a gradual disappearance, erosion, misuse, unlawful exploitation and misappropriation of this traditional knowledge and folklore. As such, the conference concluded that the treaty was the first huge step towards prevention of this unlawful exploitation. Thus, the treaty seeks to empower and enhance capacity of custodians of traditional knowledge and folklore to realise their aspirations and prosperity through an effective protection system that will create a conducive environment for the respect, recognition, development and promotion of traditional knowledge and expressions of folklore and their continued use and development.

The Arusha Protocol for The Protection of New Varieties of Plants
The Arusha Protocol for the Protection of New Varieties of Plants was concluded by a Diplomatic Conference that was held in Arusha, the United Republic of Tanzania on July 6, 2015. The Protocol will enter into force only when four States have deposited their instruments of ratification or accession. The Protocol will provide Member States with a regional plant variety protection system that recognizes the need to provide growers and farmers with improved varieties of plants in order to ensure sustainable agricultural production.

Protection of Copyright and Related Rights
ARIPOs mandate on Copyright and Related Rights aims to ensure the Organization coordinates and develop policies for the effective growth and protection of Copyright and Related Rights, recognizing the value of creative industries to the contribution of national economies and employment in Member States, the emancipation of copyright from all forms of piracy and strengthening infrastructure used for enforcement of copyright laws in the Member States and Africa at large.

Capacity Building Activities and Awareness Creation
ARIPO established a state of the art Academy, which was inaugurated on February 15, 2006 to serve as a center of excellence in teaching, training, research and skills development in the field of intellectual property for different target audiences, including creators, inventors, artists, business managers and IP professionals, journalists, parliamentarians, policy makers, university lecturers, government officials of IP institutions, students and the civil society. The Academy provides intellectual property training in different areas including Masters in Intellectual Property, tailor-made courses, professional courses, research studies, attachments, internships and fellowships, and training programs that focus on industrial property, copyright, enforcement, traditional knowledge, generic resources and folklore.
CONTENTS

ARIPO Summary of Services ........  2
Editorial Team ....................  3
Director General’s Message .........  4
Editorial .........................  5
Highlights of Events ...............  6
Member States News ...............  9
Staff Matters .....................  12
AFRICAN IP Perspectives ........... 13
Emerging Issues in IP ............  14
Did you Know? .....................  15
Member States Contact Details ....  17
ARIPO Contact Details ............  18
As 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 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 hardworking 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.

F.A. dos Santos
DIRECTOR GENERAL
As intellectual property is not a physical asset, it can easily be overlooked. Safeguarding a company’s intellectual property is crucial to developing and maintaining a successful business.

Many businesses and individuals have never thought about IP and what it can do for them, and in many cases there is a general feeling that exploiting IP is too expensive or time-consuming to yield any return. In most cases this is not true, and proper exploitation of your IP can add value to your business, generate revenue streams and give you a competitive advantage in negotiations.

In this ARIPO issue, Dr. Isaac Rutenberg’s article relates directly to the importance of Intellectual Property and the clear benefits for business.

Last year’s Global Entrepreneurship Summit in Nairobi saw hundreds listen to US President Barack Obama outline his vision of Africa as a global hub for entrepreneurship and new business ideas. More tellingly, very few people stayed for the next session on the importance of intellectual property for entrepreneurship. Without understanding how intellectual property (IP) works, local businesses can find it difficult to grow. Their industrial inventions, music, film or brands can be unfairly copied and their entrepreneurship choked.

Kenya is host to many large, knowledge-intensive multinational businesses who use the country as a base to reach the entire East African market. This knowledge-rich business community includes software giants, agricultural chemicals, technology developers and biopharmaceutical companies. Companies like these bring huge opportunities for local entrepreneurs. Multinational companies often struggle to enter markets and address local problems because of lack of agility and local knowledge. Collaboration with local businesses can be the key to success. However local businesses must confidently speak the language of IP — particularly if they wish to sell their own ideas to be commercialized and scaled by large multinational companies.

Patents, trademarks, copyrights, trade secrets, know how, websites, social media identities and other forms of IP are the instruments by which multinationals trade with local companies. IP laws, international treaties, private company policies and technical safeguards govern these forms of intellectual property.

When a multinational wants to buy or licence ideas or technology from a local company, the conversation will often be held in these terms. Technology transfer and licensing are the most efficient ways that a promising local company armed with a great idea for the region can follow the traditional Silicon Valley model — introduce an idea, grow the business, and then get brought by a far bigger company.

Kenya’s small businesses are sitting on a rich pipeline of technology, brands and other knowledge assets that could thrive internationally if they can exploit their intellectual property. Take the mobile messaging application iCow, built by dairy farmer Su Kahumbu to help farmers manage their cows’ milking schedules, and to monitor the local dairy market. The app’s code is protected by copyright, and local and international trademarks can protect the brand. These assets can be franchised to others, spreading the technology across the continent.

Above all, African entrepreneurs need to care about their intellectual property. It is the rocket fuel for business growth, overseas expansion and significant value creation.
**HIGHLIGHTS OF EVENTS**

### 2nd Intellectual Property Moot Court Competition

The IP Moot Court Competition is an event co-organized biannually by the Centre for Intellectual Property and Information Technology Law (CIPIT) and the Strathmore Law School (Strathmore University, Nairobi) from 2014. In the 2016 edition of the competition, various teams from Law Schools in East African region took part. This was a second edition of the competition and it was held from July 8 to 9, 2016 in the premises of the Strathmore University, Nairobi, Kenya. The participants were from Universities in Uganda and Kenya. While the inaugural IP Moot (2014) debated issues on Trademarks and Copyrights, the second Moot discussed issues of Patents and Trademarks.

In recognition of ARIPO’s paramount role in the Intellectual Property system in Africa, the CIPIT had invited the Organization to endorse the event and nominate a panelist judge in the competition. The representative of ARIPO (Mr. Pierre Runiga, Head of Policy, and Legal and International Cooperation) sat on the panels of judges for both days along with IP Experts and Lawyers from Law Firms dealing among others with IP matters. ARIPO highly appreciates the role played by universities, other higher learning institutions and research centres in awareness raising on the role of intellectual property in the economic development of Africa. The Organization is therefore fully supportive of initiatives such as the Moot competitions organized on IP matters. The objective of ARIPO’s participation was twofold. On the one hand it aimed to show the organizers of the competition that ARIPO fully supports their initiative; and on the other hand, the presence of a representative of ARIPO at the event was an opportunity to enhance the visibility of the Organization and its activities.

Mr Runiga of ARIPO witnessed with satisfaction the level of awareness on intellectual property issues in universities. The mission was also a good opportunity to make the activities of the Organization known by the large public especially the academia where opportunities for collaboration are vast. ARIPO was officially recognized by the organizers of the competition for its activities in the field of Intellectual Property, and for endorsing the competition. The representative of ARIPO also benefited a lot from playing the role of a judge on different panels for the two days of the competition. Mr Runiga urged ARIPO to continue to support this event in its future editions.

### ARIPO Attends TICAD VI Summit in Kenya

At the kind invitation of the Embassy of Japan in Zimbabwe, the Director General of ARIPO, Mr. Fernando dos Santos participated on behalf of the Organization at the just ended Sixth Tokyo International Conference on African Development (TICAD VI) summit, which was held in Nairobi, Kenya from 27 to 28 August 2016. The Summit was co-organized by the Government of Japan, African Union Commission, United Nations Development Programme, The World Bank Group and UN’s Office of the Special Adviser on Africa.

This TICAD initiative according to the President of Kenya, H.E. Uhuru Kenyatta affords Africa access to, “Japanese support to a whole range of transformative programmes by way of grants, loans and through technical cooperation [which] is already giving Africa some clearly great dividends in infrastructure; energy, agriculture as well as human resource capacities and education.”
ARIPO is benefiting from the kind assistance extended to the developing world by the Government of Japan through the country’s Funds-in-Trust held at the World Intellectual Property Organization (WIPO). Through these funds, Japan is supporting IP training and awareness programmes at ARIPO, including scholarships being provided to some Masters in Intellectual Property students at Africa University in Mutare, Zimbabwe. In the 9th cohort of students enrolled this year for the programme at the university, 10 students from different countries in Africa are beneficiaries of the scholarships provided through these funds. As ARIPO seeks to promote an IP driven economic agenda for Africa, it is at platforms such as this that the Organization can position itself to become a significant player in the continental economic and technological development discourse.

**ARIPO Technical Committees Meeting in Harare**

Three Technical Committees of the Administrative Council of ARIPO met in Harare from 17 - 19 August 2016. The three committees are; Technical Committee on Industrial Property, Technical Committee on Plant Variety Protection and Technical Committee on Copyright and Related Rights. They met to deliberate on several issues including proposals to amend among others the ARIPO protocols and the consolidated Rules of Procedure of the Technical Committees to incorporate the specific functions of the individual committees. The three technical committees also considered reports on the various activities and initiatives carried out by the Secretariat in the year in discharging its mandate. The committees then made recommendations for the next session of the Administrative Council for possible adoption of the proposals and other technical matters under discussion.

With regard to the Plant Varieties Protection mandate, one of the matters the responsible committee considered was the draft regulations for implementing the Arusha Protocol reviewed by an expert meeting that was held in June 2016.

The Director General of ARIPO officially opened the sessions of the Technical Committees in a joint ceremony attended by Ambassadors from four of the ARIPO Member States namely; Ghana, Kenya, Namibia and Sudan.

**Potentially Patentable Inventions Exhibited at Harare Agricultural Show 2016**

The Harare Agricultural Show 2016, which was held from 22 - 27 August 2016 in Harare, once again saw several local universities, technical colleges and SMEs exhibiting prototypes of potentially patentable products. ARIPO was co-exhibiting with the Department of Deeds, Companies and Intellectual Property of the Government of Zimbabwe. Apart from the intellectual property literature which ARIPO distributed to the public from the stand, the ARIPO staff also took some opportunities to visit stands for several SMEs, universities and technical colleges for an appreciation of the levels of innovation that these institutions are coming up with as well as hand delivering to them IP literature. The visits showed great efforts in inventiveness despite little knowledge and understanding of intellectual property in general and patenting in particular. The ARIPO staff urged the creators of the products to try and subject these prototype products to preliminary patent searches as some of the technologies on display are potentially patentable and could be successfully commercialized.
The African Regional Intellectual Property Organization (ARIPO) and the European Union Intellectual Property Office (EUIPO) on 3 October signed a Memorandum of Understanding (MoU) on mechanisms for bilateral cooperation in activities related to trademarks and industrial designs as well as enforcement.

The 5 year agreement renews the cooperation between ARIPO and the EUIPO {formerly Office for Harmonization in the Internal Market (Trade Marks and Designs) [OHIM]}, which was first entered into on 8 June 1999 and was further reviewed and extended in 2011.

This agreement calls for the two parties to cooperate on several areas that include; the publication of trademark and industrial design data on EUIPO online information and classification systems, namely, TMview, DesignView, TMclass and Designclass; on activities concerning harmonization of trademark and design examination practices and on awareness raising activities, such as seminars on the protection of trademarks and designs and also on enforcement related matters.

The Offices also agreed to cooperate on training programmes including joint seminars or workshops and other training initiatives. The Offices will hold annual meetings of experts to discuss major pending issues in the field of trademark and design. Further, there shall be cooperation in the development and expansion of IT, automation and modernization schemes as well as in the exchange of statistical data regarding trademarks and designs. Additionally, there shall be secondment opportunities to either office of examiners or other staff as may be mutually agreed.

The parties also agreed that the EUIPO may consider exporting and sharing with ARIPO the EUIPO developed Similarity Tool, Harmonized Database and the CESTO Examination Tool. They also agreed to cooperate in other areas like Quality/ISO certification, setting up of IP economic-related studies, such as the EUIPO/EPO study on IP intensive industries and their contribution to economic performance and employment. On the topical issue of enforcement, the Offices will exchange information on their respective IP enforcement related activities and may identify areas for developing common initiatives.

The African Regional Intellectual Property Organization Statement on the occasion of entry into force of the Marrakesh Treaty

The African Regional Intellectual Property Organization (ARIPO) congratulates the World Intellectual Property Organization (WIPO) and all countries that have ratified or acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, which was concluded in Marrakesh, Morocco. The ARIPO Member States that signed the Treaty at that time are Ghana, Kenya, Mozambique, Namibia, São Tomé and Príncipe, Sierra Leone, Sudan, Uganda and Zimbabwe.

The Treaty has entered into force on 30 September, 2016, which is three months after 30 June, 2016, the date by which twenty eligible states had deposited instruments of ratification or accession. It has been established that the majority of persons who are blind and visually impaired live in developing countries and least developed countries. At the same time, it has also been found that the levels of access to information and employment by these people are lowest in such countries. Regrettably, only Mali has ratified the Treaty in Africa. ARIPO therefore takes this opportunity to encourage all its Member States and Africa at large to expedite the process of either ratifying or acceding to the Marrakesh Treaty and domesticating the Treaty in their national laws.
Last year’s Global Entrepreneurship Summit in Nairobi saw hundreds listen to US President Barack Obama outline his vision of Africa as a global hub for entrepreneurship and new business ideas. More tellingly, very few people stayed for the next session on the importance of intellectual property for entrepreneurship. Without understanding how intellectual property (IP) works, local businesses can find it difficult to grow. Their industrial inventions, music, film or brands can be unfairly copied and their entrepreneurship choked.

Kenya is host to many large, knowledge-intensive multinational businesses who use the country as a base to reach the entire East African market. This knowledge-rich business community includes software giants, agricultural chemicals, technology developers and biopharmaceutical companies.

Companies like these bring huge opportunities for local entrepreneurs. Multinational companies often struggle to enter markets and address local problems because of lack of agility and local knowledge. Collaboration with local businesses can be the key to success. However local businesses must confidently speak the language of IP — particularly if they wish to sell their own ideas to be commercialized and scaled by large multinational companies.

**Bigger Company**

Patents, trademarks, copyrights, trade secrets, know how, websites, social media identities and other forms of IP are the instruments by which multinationals trade with local companies. IP laws, international treaties, private company policies and technical safeguards govern these forms of intellectual property.

When a multinational wants to buy or licence ideas or technology from a local company, the conversation will often be held in these terms. Technology transfer and licensing are the most efficient ways that a promising local company armed with a great idea for the region can follow the traditional Silicon Valley model — introduce an idea, grow the business, and then get brought by a far bigger company.

Kenya’s small businesses are sitting on a rich pipeline of technology, brands and other knowledge assets that could thrive internationally if they can exploit their intellectual property. Take the mobile messaging application iCow, built by dairy farmer Su Kahumbu to help farmers manage their cows’ milking schedules, and to monitor the local dairy market. The app’s code is protected by copyright, and local and international trademarks can protect the brand. These assets can be franchised to others, spreading the technology across the continent.

Above all, east African entrepreneurs need to care about their intellectual property. It is the rocket fuel for business growth, overseas expansion and significant value creation.
In an effort to enhance its visibility in the Member States through participation in the latter’s relevant national events, ARIPO with the kind facilitation of the Patents and Companies Registration Agency (PACRA) took part as an exhibitor at the 52nd edition of the Zambia International Trade Fair that was held in Ndola from 29 June to 05 July 2016.

The highly successful event, which ran under the theme, “Enhanced Value Addition for Job Creation” saw thousands of visitors from across the country and region visiting the trade fair grounds. The ARIPO exhibition stand received huge numbers of people who were interested in its activities. Among the visitors who came to the stand where students, members of the local universities as well as reporters from print and broadcast media houses. Members of the media requested ARIPO to educate them more about its activities and intellectual property matters in general.

The highlight of the activities at the ARIPO stand was a visit by the Guest of Honor, and Mozambican President, His Excellency, Filipe Jacinto Nyusi and the host President, His Excellency Edgar Chagwa Lungu at the ARIPO stand accompanied by the Minister of Commerce, Trade and Industry, Honourable Margaret Mwanakatwe. The two Presidents enquired on how business was at the stand and wanted to know the information that ARIPO was sharing with the fair visitors.

Other notable visitors who came to the stand were the Deputy Minister of Commerce, Trade and Industry of the Republic of Zambia, the Ministry’s Permanent Secretary, the Chairman of the PACRA Board, Professor Mpazi Sinjela and the Registrar and Chief Executive Officer of PACRA, Mr. Antony Bwembya. The high level visitors appreciated the participation of the Organization at the fair as well as the quality of informational materials that was on display.
Windhoek – Namibia’s Ministry of Industrialisation, Trade and SME Development has introduced a Business and Intellectual Property Authority (BIPA) Bill in Parliament to address challenges faced by owners of intellectual property and to make sure the owners reap the fruits of their work.

Some of the objectives of BIPA include the effective administration of business and intellectual property rights and improved service delivery in this regard. It also provides guidelines for the registration of various forms of businesses in the country, and also for the registration of various organisations and intellectual property rights.

These include various patents and industrial designs, traditional knowledge, trademarks and copyrights.

Minister Immanuel Ngatjizeko, who presented the new legislation in the National Assembly, said BIPA seeks to enhance the efficient protection of business and intellectual property in Namibia as well as recognise expressions of indigenous knowledge as an aspect of intellectual property.

He further noted that: “Intellectual property needs to be protected by law in order to enable people to earn recognition or financial benefit from what they invest or create.

By striking the right balance between the interests of innovators and wider public interest, the Business and Intellectual Property Bill aims to foster an environment in which creativity and innovation can flourish.”

The administration of industrial property, which includes trademarks, patents and industrial designs will fall under the Ministry of Industrialisation, Trade and SME Development while the copyrights will be administered by the Ministry of Information and Technology.

Namibia is heeding recent calls by the World Intellectual Property Organisation (WIPO) to expedite the enactment of a Business and Intellectual Property Authority Act, as the current policy framework is weak and does not meet the challenges faced by owners of intellectual property, Minister Ngatjizeko explained.

He said although Namibia has made strides in strengthening the legal and institutional framework of intellectual property, the new law is needed for the country to comply with its international obligations due to treaties and protocols it signed such as World Intellectual Property Organisation, the African Intellectual Property Organisation and the World Trade Organisation. He said through this law, Namibia would also advocate for the protection of traditional knowledge, expression of folklore and traditional knowledge associated with the use of genetic resources.

“It is important that traditional knowledge-related assets are accorded the relevant protection in order to create leverage for rural communities to benefit,” he said.

Ngatjizeko said the Bill would bring indigenous knowledge custodians into the mainstream of the economy and improve the livelihoods of the communities.

He said if passed into law, the proposed Bill would provide a legal framework to protect the rights of indigenous knowledge custodians and empower communities to commercialise and trade indigenous knowledge to the benefit of the national economy.
ARIPO Most Innovative Employee of the Month of June

Naniso Manjengwa was the ARIPO employee for the month of June. Naniso, a Senior Finance Associate in the Finance Department, was honoured for her sterling role as a member of the committee that is superintending the project for constructing the new headquarters as well as for diligently executing her daily functions in the Finance Department.

In the construction project committee, she has distinguished herself well in the male dominated project environment. To accomplish her dual roles, Naniso even worked outside normal working periods, a feat not many would voluntarily undertake.

The Director General of ARIPO, Mr. Fernando dos Santos expressed his pleasure in that fellow members of staff had at last acknowledged her efforts and voted for her to receive the befitting accolade.

In her acceptance remarks, Naniso dedicated the award to the unqualified support she always gets in her work from both management and other staff members.

ARIPO Bids Farewell to Dr. Sun

ARIPO bade farewell to Dr. Dongguk Sun who went back to the Republic of Korea after he spent 2 years working at the Organization as a Korea International Cooperation Agency automation expert in the project to upgrade and modernize the ARIPO ICT infrastructure. Dr. Sun left after a successful tour of duty that saw the successful transition by the Organization from the old IP administration system to the current POliTe+ system that allows for online filing and online administration of industrial property.

ARIPO wishes Dr. Sun and his family well in their next endeavours.
AFRICAN States Urged to Compile and Publicize IP Statistics

A Sub-Regional Workshop on the Development and Effective Use of Intellectual Property Statistics for ARIPO Member States, which was held in Harare, Zimbabwe, has called on African IP offices to value the importance of IP statistics reporting. The workshop, which was organized by the World Intellectual Property Organization (WIPO) and the Japan Patent Office (JPO) in cooperation with the Government of Zimbabwe and ARIPO at the request of the Director General of ARIPO, Mr. Fernando dos Santos, began on 14 September and ended on 16 September. Ms Virginia Mabhiza, Permanent Secretary in the Ministry of Justice and Constitutional Affairs in the Government of Zimbabwe, officially opened the workshop.

The important workshop came after the realization that most African countries, particularly in the sub-region, seem not to value the importance of generating and publicizing statistics with regard to their intellectual property activities. According to WIPO, only 25 out of the 54 African countries have been consistently availing their data to the international body.

In the workshop therefore, it has come out that, had all African states been providing their statistical data to international and regional bodies, the gloomy picture of Africa’s contribution to global intellectual property transactions would be significantly different. Mr. Mosahid Khan, Head IP Statistics Section at WIPO and the Director General of ARIPO, Mr. Fernando dos Santos said that Africa has but itself to blame for the sad picture that is portrayed globally and urged ARIPO Member States to realize that statistics also help them in forecasting, planning, and monitoring their IP activities. They urged them to develop a culture of basing decisions on accurate and validated data as incorrect data leads to wrong decisions being taken.

Mrs Joyce Banya, Senior Counsellor, in WIPO’s Regional Bureau for Africa, said that the workshop was one of the best and most successful of all the workshops she has organized in the region. Each year, WIPO’s Economic and Statistics Division sends out questionnaires, which IP offices worldwide are expected to complete and return. Regrettably, many African countries including some ARIPO Member States do not respond to the questionnaires.

In their presentations, most of the Member States acknowledged that they indeed should start to take requests for statistics from the ARIPO Secretariat and WIPO seriously and thanked the organizers for convening the workshop and Mr. Dos Santos, in particular, for requesting for the workshop.
Building Africa with Brands

September 1-2, 2016
Cape Town, South Africa

The Conference provided attendees with unique access to brand owners and provided the perfect setting for an exchange of ideas, opinions, expertise, and best practices on important issues facing those doing business in Africa. It was heard firsthand from those who have successfully transformed African brands into global brands, as well as the lessons that multinational companies have learned from doing business in Africa.

Sessions included:

- Brand creation, protection, and enforcement strategies in developing economies
- The importance of IP in economic growth and foreign investment in the region
- Challenges and opportunities in Africa from a brand owner’s point of view
- Mobile marketing in Africa
- Developing and implementing the right IP strategy for your company
- Traditional knowledge, legacy rights, geographical indications

Attendees:

- Received tools and tips on building your brand in Africa
- Learnt how to add the value of their IP to their balance sheet
- Learnt to better navigate the regulatory landscape
- Heard from experts about growing a brand across borders
- Learnt from experts about digital marketing and how Africa has embraced a mobile world
- And much more!

Registration link: https://applications.inta.org/apps/africa2016/log_in/

Source: http://www.inta.org/Programs/Pages/BASCAPAfrica_Overview.aspx

The Building Africa with Brands Conference gave the unique opportunity to meet with African and international brand owners, government officials, and legal experts from around the world, who recognize the importance of the African market to their businesses.
Geographical Indications: The Basmati Case

Basmati is a variety of rice from the Punjab provinces of India and Pakistan. The rice is a slender, aromatic long grain variety that originated in this region and is a major export crop for both countries. Annual basmati exports are worth about $300m, and represent the livelihood of thousands of farmers.

The “Battle for Basmati” started in 1997 when US Rice breeding firm RiceTec Inc. was awarded a patent (US5663484) relating to plants and seeds, seeking a monopoly over various rice lines including some having characteristics similar to Basmati lines. Concerned about the potential effect on exports, India requested a re-examination of this patent in 2000. The patentee in response to this request withdrew a number of claims including those covering basmati type lines. Further claims were also withdrawn following concerns raised by the USPTO. The dispute has however moved on from the patent to the misuse of the name “Basmati.”

The code states that “the belief in consumer, trade and scientific circles [is] that the distinctiveness of authentic Basmati rice can only be obtained from the northern regions of India and Pakistan due to the unique and complex combination of environment, soil, climate, agricultural practices and the genetics of the Basmati varieties.” But in 1998 the US Rice Federation submitted that the term “Basmati” is generic and refers to a type of aromatic rice. In response, a collective of US and Indian civil society organizations filed a petition seeking to prevent US-grown rice from being advertised with the word “Basmati”. The US Department of Agriculture and the US Federal Trade Commission rejected it in May 2001. Neither considered the labeling of rice as “American-grown Basmati” misleading, and deemed “Basmati” a generic term.

The problem is not just limited to the US; Australia, Egypt, Thailand and France also grow basmati type rice and may take the lead from the US and officially deem “basmati” a generic term. The name “Basmati” (and the Indian and Pakistani export markets) can be protected by registering it as a Geographical Indication. However, India and Pakistan will have to explain why they did not take action against the gradual adoption of generic status of basmati over the last 20 years. For example, India did not lodge a formal protest when the US Federal Trade Commission formally declared “basmati” generic.
10 Ways to Protect Your Intellectual Property

Intellectual property (IP) theft is surprisingly common. If you haven’t taken steps to protect your logos, designs, trade marks and copyrighted material, there may be nothing you can do to prevent it. Here’s how to make sure people keep away from your (IP)

1. Create a policy. Establish a policy for all of your intellectual property – including all patents, designs, trademarks, copyrights and domain names.

2. Prevent theft through contracts. Ensure all your employment and consultancy contracts clearly state your ownership of any intellectual property developed for you.

3. Check that your idea is original. Use patent and trade mark searches early in the development of new products and processes to establish whether someone else has already protected them.

4. Take expert advice. To ensure that any trademark you develop is properly protected, contact a trade mark agent for advice about searches and registration.

5. Record the evidence. Keep a log of evidence that records the development of intellectual property (for example, dated and signed copies of drawings and drafts).

6. Make a patent application. Filing an initial patent application could give you time to develop or sell your idea, to complete market research or raise finance.

7. Look overseas. Take advice on whether you need to protect your intellectual property in overseas markets.

8. Assess it at every stage of development. Consider whether new designs for the appearance of all or part of your product are worth protecting with stronger design registration.

9. Make sure your material is copyrighted. Identify those of your materials that are already protected by copyright. Add the copyright symbol, your name and the creation date to emphasize this.

10. Prosecute IP thieves. Maintain patent and trade mark protection and enforce your rights by identifying breaches and pursuing offenders if the commercial case justifies the cost.