• ARIPO @ 40
WHAT’S NEXT?
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, and (d) the Arusha Protocol for the Protection of New Varieties of Plants.

The Harare Protocol was concluded in 1982 and entered into force on 25 April, 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 micro-organisms 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 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 11 May, 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 6 July, 2015. The Protocol will enter into force only when four States have deposited their instruments of ratification or accession. The Arusha 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 15 February, 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 programmes that focus on industrial property, copyright, enforcement, traditional knowledge, generic resources and folklore.
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As ARIPO we have travelled a long journey with many challenges but always with achievements around the next bend on 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 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 a field 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 ARIPO@40 book has 10 chapters tracing the development of ARIPO through our reports and documents, and also through interviews with my predecessors, the first four Director Generals 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
Africa is both a unique and diverse market, and one size doesn’t fit all. The continent is linguistically varied and is home to an estimated 1,500–2,000 African languages, several religions and belief systems, varied customs and practices, and several different legislative and judicial systems. For these reasons, advice from local experts on the ground is essential, local relationships and knowhow are important, doing business on the continent requires patience and persistence, and investors should have realistic (but great) expectations.

Ian Isdale, consultant to Tiger Brands Ltd., one of Southern Africa’s largest fast moving consumer goods (FMCG) companies, spoke at the Building Africa with Brands Conference: It’s Africa’s Time! Ian stressed the importance of gaining an understanding of the particular African market of interest and listening to the needs of the consumer in each market when considering IP issues in Africa. (source: http://www.inta.org/INTABulletin/Pages/Building_Africa_-_Conference_Review_7117.aspx)

Africa is exciting, and offers exciting opportunities. Who better to bring this notion to life than Robbie Brozin who is the co-founder of Nando’s, a proudly South African, homegrown brand of restaurant and fast food outlets which, in just under 30 years, has expanded to comprise about 1,000 outlets in over 30 countries. In delivering his presentation on this South African brand’s success story, Mr. Brozin spoke of his brand’s aspiration: “Changing the way the world thinks of Africa.”

With the urban boom in several countries, consumer spending and product sales are on the rise, with the result that IP is set to become more important than ever. With this trend will hopefully come the recognition by governments of the role and importance of IP in Africa, which will bring about progress such as the digitization of IP registries and speeding up registration and enforcement processes.

This ARIPO Magazine issue marks the important occasion of Aripo @40. 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.

The feature article in this issue and speaking in December 2016, Honourable Margaret Mwanakatwe Minister of Commerce, Trade and Industry Republic of Zambia. Chairperson Council of Ministers of ARIPO, “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.

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.

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 must congratulate ourselves on this important occasion because this is our organisation, belonging to 19 African countries that are member states. The results that we can see from ARIPO’s 40 years as a membership organisation, 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 in itself a model of human capacity development.”
ARIPO SIGNS MoU WITH EUIPO

The African Regional Intellectual Property Organization (ARIPO) and the European Union Intellectual Property Office (EUIPO) on 3 October, 2016 signed a Memorandum of Understating (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.

ARIPO signs MoU with INDAUTOR

The African Regional Intellectual Property Organization (ARIPO) and the National Institute of Copyright (INDAUTOR) an agency within the Ministry of Culture of the United Mexican States signed a Memorandum of Understanding (MoU) during the World Intellectual Property Organization (WIPO), General Assemblies in Geneva on 6 October, 2016. The Director General of ARIPO, Mr. Fernando dos Santos, and the Director General of INDAUTOR, Mr. Manuel Guerra Zanarro, signed the MoU on behalf of their respective Organizations.

ARIPO Meets PRAXI Intellectual Property of Italy

In its continuous efforts to promote the use of the ARIPO route in the protection of intellectual property rights in Africa through direct engagements with the users, on 10 October, 2016, the Director General of ARIPO, Mr. Fernando dos Santos met representatives of Italian IP firm Praxi Intellectual Property, SPA. With its headquarters in Turin, the IP firm has other offices in Genoa, Milan, Padua, Rome and Venice. Its activities are focused on all facets of intellectual property - patents, trademarks, designs, utility models and copyrights - including search procedures, registration and granting of rights, management of cases or actions aimed at preventing counterfeiting as well as economic and asset-related valuation of intangible assets.

During the meeting, Mr. Fernando dos Santos apprised Praxi Intellectual Property of the current trends of sustained economic growth and development in Africa and the opportunities this
The African Regional Intellectual Property Organization (ARIPO) has with effect from 31 October, 2016 made its published industrial design data available on the DesignView search tool. DesignView is the European Union Intellectual Property Office (EUIPO) administered tool which provides a centralized access point to view the registered design information held by a number of participating offices, including ARIPO. With ARIPO on board, DesignView now contains data from 52 offices providing information and access to more than 10.1 million designs in total.

The integration of ARIPO is a concrete result of the EUIPO’s international cooperation framework in collaboration with its international partners. ARIPO embarked on this project in order to support the availability of IP information to the public the world over.

The ARIPO designs on DesignView may be accessed on www.tmdn.org.

Fortieth Session of the Administrative Council of ARIPO

The Fortieth Session of the Administrative Council of ARIPO was held in Harare, Zimbabwe. The Session took place from 5-7 December, 2016, several documents on the administrative aspects of the Organization including the proposed budget and programme of activities for the year 2017, proposals to amend some of the ARIPO treaties to continually keep them in line with international trends.

Mrs. Virginia Mabhiza, Permanent Secretary in the Ministry of Justice, Legal and Parliamentary Affairs of the Republic of Zimbabwe officially opened the 40th session. In her remarks, the Permanent Secretary applauded the Administrative Council members for having taken the organization this far.

The Administrative Council session preluded other events during the week namely; the ARIPO-WIPO IP Conference and 40th Anniversary celebrations which culminated in the inauguration of the new ARIPO headquarters building which was held on Friday 9 December, 2016.
The Republic of Liberia became party to the Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore within the framework of the African Regional Intellectual Property Organization (ARIPO) on 25 October, 2016 (the date on which the Instrument of Ratification was deposited with the Ministry of Foreign Affairs of the Republic of Zimbabwe).

The ratification of the Swakopmund Protocol by the Republic of Liberia brings the number of Member States party to the Protocol to eight (8).


The Protocol aims to protect the overall traditional knowledge and folklore of Africa to ensure that it is properly utilized for the welfare of its people.

**MEMBER STATES NEWS**

Justice Jeremiah Herbert Ntabgoba of Uganda, was the founding Director General who served from 1981-1988. He is now a retired Principal Judge of the High Court of Uganda.

Jeremiah Herbert Ntabgoba was born on 21 July, 1939 of Rwandan parents, in Bunagana. 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 - 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, Deportment of a Magistrate, which was published in 1991.

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.

**PAST DIRECTOR GENERALS**

**1st Director General**

**Justice Jeremiah Ntabgoba**

Zikonda’s working career started in 1968 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).

Judge Zikonda studied for his 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.

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.

At the time of his arrival, ARIPO consisted of a total of 10 members of staff - five professionals and five support staff. 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.
3rd Director General
Advocate Mzondi Chirambo

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, Chirambo joined government and was appointed assistant Registrar General, with responsibility for Intellectual Property covering Patents, Trademarks and Industrial Designs. 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.

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.

4th Director General
Gift Huggins Sibanda

Gift Higgins 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, Trademarks, and Utility Designs, and later a Formality Examiner in Patents, Trademarks and Industrial Designs.

Sibanda was appointed as an Industrial Property Officer at ARIPO. He 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. Sibanda’s efforts and expertise were formally recognized in 2004 when he was appointed Director General of ARIPO.

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. 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.
On Friday, 16 December, 2016, ARIPO honoured its three most outstanding performers amongst its employees in the Annual Employee of the Year 2016 Awards Ceremony held at its headquarters.

The awards were created to promote hard work and innovation in the way the Organization’s employees go about their daily responsibilities.

The Director General, Mr. Fernando dos Santos paid tribute to all staff at the Secretariat for having put more than expected in a year which was so crucial in the organization’s history. This was so because, 2016’s calendar of events included the 40th anniversary celebrations, 40th Session of the Administrative Council of ARIPO, the construction of the extension of the ARIPO headquarters and the subsequent inauguration ceremony of the new headquarters building. All these demanded careful logistical planning and execution, a task for which the staff collectively acquitted themselves very well.

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 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 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.

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.

ARIPON HOnours Outstanding Employees for the Year 2016

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. 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.

The Director General, Mr. Fernando dos Santos hands over the Certificate of Merit and shield to the most Outstanding performer Mrs. Naniso Manjengwa

1st runner up - Mr. Thomas Jackson

2nd runner up - Mr. Muziwoxolo Bukhwele
It was a pleasure addressing the intellectual property revolutionaries that were gathered at the December 2016 conference. In light of the MIP 9th cohort experience, this is what I had to share.

In May 2016, the MIP 9th cohort students began their journey into IP: most, if not all of us with little or no knowledge of what IP is all about. Looking at my colleagues that day, I saw more than just the seeds of who they used to be when the programme started. I saw nurses who would catapult the cause of IP in Public Health and maybe be the ones to settle the battle between Governments and Pharmaceutical industries with regards to compulsory licenses in cases of national emergencies. I saw ICT gurus, lawyers, magistrates and politicians not only helping to set up solid national and institutional IP policies but efficiently enforcing IP rights. I saw Collateralized Mortgage Obligation (CMO’s) and R&D institutions doing a little bit more with regards to IPR industries contributing towards the growth of their countries’ economies and consequently, towards better trade agreements. By the end of the programme, I am sure that as a group, we will have more than just a starting point in how to battle the challenges Africa faces, especially Food Security.

Our experience in the programme added more than just academic value. We buried our memories of the tastes of cassava, shrimp, fufu or jollof rice – (out of sheer will or otherwise) to better understand and appreciate other cultures. Group presentations and individual presentations broke the shells of those who started off as timid as church mice. The importance of the practical aspect of the programme should never be undermined. Benjamin Franklin once said, “Tell me and I forget, teach me and I may remember, involve me and I learn.” Even though one lecturer used to scare us when we had a tough exam by saying, “Hello guys, what’s the problem? You will graduate – eventually”, we will always be grateful for these lecturers who taught us how to be true IP lecturers at heart. We carry with us two particular points from two lecturers:

- IP should not just be a subject taught in tertiary institutions. How many of us remember the time when our child or sibling came home with a piece of paper and on it was a drawing of a ‘stick family’ symbolising your family? Is that not copyright in itself or does it have to be on the walls of the Sistine Chapel to be an artistic work?
- When it comes to IP, “It’s all about the money. Show me the money”.

So what then are our goals after this programme? As we head back to our countries, we have more to offer, not just to the organisations we are from but to Africa and the world at large. Some of us want to go even further and acquire a PhD in IP. Which country wouldn’t want to be source of the answers to the deeper problems and gaps in IP? I’m sure our programme sponsors would be willing to help further one of WIPO’s Development Agendas’ in this regard. The scriptwriters, songwriters and authors in this class will continue to add to the IP content in Africa. We have IT gurus, politicians, magistrates and lawyers who will set in place the necessary policies and legal frameworks to shape the IP landscape in Africa. Everyone wants to be the leader in something - alone. But, in shaping the IP landscape we have come to understand that if you want to go fast - go alone, if you want to go far - go together. We also have people within us who want to start IP consulting firms. The closer we get to graduating the more we are referred to as IP experts. I take it our organisations can breathe a little easier now knowing they will not have to look further than home to call an IP expert. So, the next time someone asks us, ‘what’s next?’ well, we will stay hungry and stay focused. To borrow a concept from Professor Dato’ Mohammed Shariff, we are more than willing to brainwash Africa on the importance of IP and help improve our wealth creation and nation building.

In conclusion, I would like to thank everyone who continues to make the MIP programme a reality. Our heartfelt thanks go to Africa University, ARIPO, WIPO and the Japanese government who continue to sacrifice so many things - primarily money. Special appreciation goes to Mr Joe Bradley, the Head of Academic Institutes Program at WIPO, who works alongside our mother figure, Martha Chikowore.

Tariro Anifasi, Writer, Motivational Speaker and Intellectual Property Specialist

On behalf of the MIP 9th Cohort: Obrigado. Thank you.
Building Respect For Intellectual Property - Stimulating Innovation And Creativity

The International Conference on Building Respect for Intellectual Property - Stimulating Innovation and Creativity, co-organized by the Shanghai Municipal People’s Government (SMPG) and WIPO with the support of the State Intellectual Property Office of China (SIPO), took place on the 17-18 November, 2016, in Shanghai, People’s Republic of China. It offers an exciting opportunity to exchange information and experiences on enhancing public awareness about the importance of respecting intellectual property (IP), and on emerging issues in IP adjudication and jurisprudence.

In the global knowledge economy, innovation, creativity and IP hold far-reaching promise for spurring economic growth, trade and employment in countries at all stages of development. And amid indications that global economic growth is slowing, it is now more important than ever to find new ways to stimulate the world economy by leveraging the opportunities that are presented by global innovation and creativity.

Today, the intellectual component of production is far greater than it has ever been. IP has become an indispensable mechanism for translating know-how into tradeable commercial assets and capturing the competitive advantage that they represent. The vast technological transformation that is currently underway in China is testimony to this ongoing transition toward a global knowledge economy. In 2016, China for the first time joined the ranks of the world’s 25 most innovative economies in the Global Innovation Index, co-published by Cornell University, INSEAD and WIPO. China has become a world-leader in technological innovation, particularly in the area of emerging technologies such as digital communication, computing technology, 3D printing, nanotechnology and robotics, positioning it as a global technology innovation center. For these reasons, this conference in Shanghai is very timely.

“The International Conference on Building Respect for Intellectual Property - Stimulating Innovation and Creativity is an opportunity... to explore ways to build greater respect for IP and to leverage opportunities for innovation and creativity to drive economic growth,” says WIPO Director General Francis Gurry.

The Role Of IP And its Promise

IP plays a pivotal role at the center of the innovation-growth nexus. It promotes innovation by incentivizing investment in knowledge-based assets and encouraging the diffusion of knowledge across the economy. IP rights establish a secure legal framework for investment in and commercialization of innovation and creativity. These rights enable firms, including innovative start-ups, to navigate the perilous process of transforming an idea into a commercially viable product, and to compete with success in the global marketplace, while safeguarding the public interest. IP facilitates the diffusion of knowledge by encouraging the disclosure of information and technology transfer. It also provides a framework for innovators to control how and under what conditions their innovations and creations may be used by others. As such, IP is a key factor in creating an environment in which innovation and creativity can flourish and generate future growth and prosperity.

Realizing the promise of IP, innovation and growth is not without its challenges. Much remains to be learned about the complex interactions that occur between these three elements across the diverse range of technologies that exist and are emerging today. But the benefits of achieving sustained
growth are well-known; they include job creation, higher living standards and the alleviation of poverty.

To fully grasp these benefits, each nation must find the right mix of policies that balance IP protection with the public interest to realize the innovative and creative potential of its economy. Policymakers must also take into account the economic, social and cultural impacts that flow from their innovation policy decisions. This is an increasingly difficult task, in part because of the rapid rate at which technological breakthroughs are transforming innovation and creative landscapes. Globalization - and with it the digital transformation - present enormous opportunities and challenges. Policymakers must adopt flexible approaches that maximize the opportunities that technological breakthroughs offer while overcoming the challenges that they pose.

**Building Respect for IP**

Fostering an environment that encourages respect for IP is a basic principle shared by all WIPO member states. Yet its full realization remains elusive. IP-infringing activities – most notably counterfeiting and piracy – are prevalent in many parts of the world. Devising appropriate responses requires a solid understanding of what motivates producers and consumers of IP-infringing goods and the impact that these IP infringements are having on the welfare of societies. Only then will it be possible for countries to craft and implement a broad range of curative and preventive measures in line with their national strategic needs. Ideally, such measures will target improvements in legislation and enforcement and will boost cultural change and awareness of the value of IP; the development of business and technology solutions that foster legal alternatives, and institutional collaboration.

**Exploring Opportunities & Challenges**

The Shanghai Conference will explore the enormous benefits and opportunities that technological breakthroughs offer as well as the challenges that still need to be overcome. The Conference program offers an exciting and diverse range of speakers and topics.

Discussions will focus on two main themes:

- realizing the promise of IP in stimulating innovation and driving development and growth; and
- IP protection and adjudication in an evolving landscape.

Six subtopics will also be discussed:

- developing and implementing comprehensive, coherent and well-coordinated national IP strategies;
- innovation, technology transfer and the commercialization of IP;
- international cooperation on building respect for IP;
- IP enforcement mechanisms;
- how to resolve IP disputes in an effective and balanced way; and
- emerging issues in IP adjudication and jurisprudence.

The International Conference on Building Respect for Intellectual Property - Stimulating Innovation and Creativity is an opportunity for policy- and thought-leaders in government and business as well as legal practitioners to explore ways to build greater respect for IP and to leverage opportunities for innovation and creativity to drive economic growth.

Source: www.wipo.int/wipo_magazine/en/2016/si/article_0001.html

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**Celebrating ARIPO @40**

As 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 December 9, 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.
Inauguration of the New ARIPO Headquarters
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, organising 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 organisation 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 organisation, belonging to 19 African countries that are member states. The results that we can see from ARIPO’s 40 years as a membership organisation, 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.
Intellectual Property for an Emerging Africa

The Director General of ARIPO elaborated on the mandate of ARIPO with special focus to trademark protection, the latest achievements in the system, initiatives on training, awareness creation and enforcement. The Director General was also invited to attend the INTA-BASCAP Workshop: Intermediaries and Rights Holders - Working Together to Stop Counterfeiting and Piracy also held in Cape Town, South Africa on 31 August, 2016 and to give the keynote address. The Business Action to Stop Counterfeiting and Piracy (BASCAP) is an initiative of the International Chamber of Commerce (ICC). It comprises a network of multinational companies that value the protection and enforcement of intellectual property around the World.

INTA organized its first Conference in Africa in 20 years, titled “Building Africa with Brands” held in Cape Town, South Africa from 1-2 September, 2016. The Director General of ARIPO, Mr. Fernando dos Santos, was invited to attend the meeting and to speak as part of a keynote panel to discuss trademark registration systems in Africa and political and legal developments related to IP in the continent.

Mr. Emmanuel Sackey, Executive IP Development at ARIPO was also invited at the Conference during the panel on traditional knowledge (indigenous rights), legacy rights and geographical indications.

The decision to host an international IP conference in Africa was inspired and well timed. Africa is experiencing significant economic growth and has become a region of considerable interest for investors with the resultant need to acknowledge the role and importance of IP on the continent, which has been home to the launch of several brands in recent years.

Africa is both a unique and diverse market, and one size doesn’t fit all. The continent is linguistically varied and is home to an estimated 1,500–2,000 African languages, several religions and belief systems, varied customs and practices, and several different legislative and judicial systems. For these reasons, advice from local experts on the ground is essential, local relationships and know-how are important, doing business on the continent requires patience and persistence, and investors should have realistic (but great) expectations. One of the conference speakers, Ian Isdale, consultant to Tiger Brands Ltd., one of Southern Africa’s largest fast-moving consumer goods (FMCG) companies, stressed the importance of gaining an understanding of the particular African market of interest and listening to the needs of the consumer in each market when considering IP issues in Africa.

Africa is exciting, and offers exciting opportunities. Who better to bring this notion to life than Robbie Brozin who is the co-founder of Nando’s, a proudly South African, homegrown brand of restaurant and fast food outlets which, in just under 30 years, has expanded to comprise about 1,000 outlets in over 30 countries. In delivering his presentation on this South African brand’s success story, Mr. Brozin spoke of his brand’s aspiration: “Changing the way the world thinks of Africa.”

With the urban boom in several countries, consumer spending and product sales are on the rise, with the result that IP is set to become more important than ever. With this trend will hopefully come the recognition by governments of the role and importance of IP in Africa, which will bring about progress such as the digitization of IP registries and speeding up registration and enforcement processes. There is considerable pressure on African countries to offer first world recognition of IP rights.

Various sessions that discussed issues such as brand creation strategies in Developing Countries, importance of IP in economic growth, doing business in Africa, foreign investment in Africa, IP registration systems in Africa, the use of mobile communication in marketing strategies, leveraging brands, developing and implementing the right IP strategy, design rights, traditional knowledge and geographical indications, counterfeits and enforcement.
2017/2018 Admissions

Jointly offered by: The World Intellectual Property Organization (WIPO); The African Regional Intellectual Property Organization (ARIPO); and Africa University (AU)

The Program

Applications are invited from suitably qualified candidates for admission into the Masters in Intellectual Property (MIP) Program. The Degree is jointly offered by the World Intellectual Property Organization (WIPO) Academy, the African Regional Intellectual Property Organization (ARIPO) and Africa University (AU), with financial support from the Government of Japan.

The duration is twelve months, from 1 May, 2017 to 30 April 2018, structured in three parts, as follows:

- First Part (1 May, to 21 July, 2017): WIPO Academy Distance Learning Courses, undertaken via the Internet;
- Second Part (1 August to 8 December, 2017): Residential phase requiring physical attendance at lectures undertaken at Africa University in Mutare (Zimbabwe) and practical training sessions at ARIPO in Harare.
- Third Part (11 December, 2017 to 30 April, 2018): Dissertation Phase requiring research and writing on an approved topic.

The Program adopts a comparative approach, with particular emphasis on Africa. Lectures are given by leading academics, intellectual property practitioners, intellectual property officers and other experts drawn from across Africa.

The provisional curriculum of the Program is available on the following website: Africa University (http://iplg.africau.edu/images/MIPCurriculumFinal.pdf), the WIPO Academy (www.wipo.int/academy) and ARIPO (www.aripo.org).

Admission Requirements

The MIP Programme is open to government officials, industry practitioners, senior students and young professionals from academic, research and development or other relevant background who wish to upgrade their knowledge and skills in Intellectual Property law and practice. To be eligible, candidates are required to hold a minimum of a Bachelor’s degree (second lower class) from a recognized university in any discipline and have a minimum of two years work experience. Proof of English proficiency is required, therefore, students coming from countries where the official language is not English will need to submit evidence of proficiency in an appropriate internationally approved English examination e.g IELTS, TOEFL.

Award

Upon satisfactory completion of the program, participants will be awarded a Masters Degree in Intellectual Property (MIP) by Africa University on behalf of WIPO and ARIPO.

Fees And Costs

For tuition, registration and accommodation fees please follow link at the bottom (subject to annual review). Cost of meals and upkeep is estimated at US$350.00 per month per person.

Scholarships

With a view to contributing to the development of human resources in the field of Intellectual Property in Africa, WIPO, ARIPO and the Government of Japan will provide approximately 30 scholarships to qualified candidates from Africa. The scholarship shall cover the cost of a return air ticket, board and lodge at Africa University and ARIPO, tuition fees, registration fees and medical insurance.

To apply for scholarships online follow the following link https://welc.wipo.int/acc/index.jsf?page=aipCatalog.xhtml&lang=en&cc=MIP_AFRICA#plus_MIP_AFRICA

Application Procedure

Interested candidates fulfilling the above mentioned requirements are invited to send their written applications to the following address:

Assistant Registrar Academic Affairs, Africa University, Fairview Road, Off Nyanga Road, Old Mutare, P.O. Box 1320, Mutare, Zimbabwe or email scanned copies to academic@africau.edu, studentrecruitment@africau.edu and applications@africau.edu.

Application forms shall be accompanied by detailed curriculum vitae, CERTIFIED copies of university degree, certificates/diplomas and transcripts and at least two letters of reference. These documents are to be received by Africa University no later than 5 March, 2017. Applicants wishing to be considered for the various scholarships should specifically indicate so in their application, and ensure that they apply online at the WIPO website.

Detailed information concerning the MIP Program is provided on the websites of Africa University (http://iplg.africau.edu/index.php/masters-in-intellectual-property), the WIPO Academy (www.wipo.int/academy) and ARIPO (www.aripo.org).
University R&D to Feed a Nation

Background

Although Malaysia relies on imports for a large portion of its food supply, the government is committed to a high level of self-sufficiency in major food products, one of which is rice. Despite its minor role in the economy (less than 1% of GDP), by 2007 rice production in the country met over 70% of domestic demand. However, due to increased urbanization, land available for cultivation has been in a steady decline. Aspiring to increase rice yield in the face of decreasing arable land, in the late 1990s the Malaysian Ministry of Agriculture set a goal to utilize new technology to increase rice paddy yield so the country can meet up to 90% of domestic demand by 2015.

Research and Development

In order to meet the government’s target, researchers at UMP teamed up with Diversatech (M) Sdn. Bhd. (Diversatech), a prominent Malaysian agricultural company. The research team determined that their research and development (R&D) would have to result in a technology that could at least increase the average domestic rice yield to approximately 6.87 tons per hectare (t/h), which represents a 38.5% increase over conventional technology. The researchers decided that, in order to achieve even greater results and compensate for any unforeseen challenges, R&D would first concentrate on reaching a yield of 8 t/h and then later a yield of 10 t/h.

In conventional methods, after every harvest the rice paddy field is flooded to soften the soil. This enables easy plowing, which is done after the water has receded. After plowing, water is reintroduced into the field at a depth of one centimeter to sow new seeds. At this stage rodents and birds can quickly infest the field, which reduces yield by up to 30%. In addition, weeds start to grow rapidly and without proper management can further reduce the yield by up to 75%. While increasing the water depth to a level greater than one centimeter would inhibit rodent and weed infestation, it would also cause the soil to become anaerobic (devoid of oxygen), and thus unfavorable for seed germination. Furthermore, standing water at greater depths causes a reduction or complete loss of seeds or new sprouts. Therefore simply increasing the water level is not an option. In general, using conventional methods, seed germination is achieved for approximately 65% of those seeds planted.

However, if the negative effects of increasing the water depths could be countered, many of the aforementioned problems rice farmers face in Malaysia could be solved. With these considerations in mind, the researcher’s R&D focused on developing a technology that would allow the sowing of rice paddy seeds submersed in deeper water. In 2001 their work came to fruition with the development of Zap PadiAngim (ZAPP®), a specially formulated seed germination enhancer.

Invention

ZAPPA consists of hydrogen peroxide, sulfuric acid and formaldehyde, and enhances rapid seed germination for direct seedling rice grown under both aerobic (soil containing oxygen) and anaerobic conditions. It also increases the vigor of seedlings, helping them compete with weed growth from previous harvests and thus increases rice paddy yield and viability. With the use of ZAPPA, the successful seed germination rate can be increased to approximately 90%, while the overall yield can reach 40%.

ZAPPA is used before the paddy seeds are sown in the field. The seeds are first soaked in ZAPPA for 24 hours, after which they are allowed to dry for another 24 hours. The treated seeds are then sown into a flooded paddy field, and any standing water in the field is not removed. Because ZAPPA contains hydrogen peroxide, it provides seeds with active oxygen, a vital factor in boosting germination in anaerobic conditions. This increases seedling root and shoot growth by approximately 120% and 90%, respectively, which helps the seeds deal with the adverse conditions of a field flooded with a deeper level of water. When treated with ZAPPA, up to 500
seedlings can be germinated per square meter (m²), compared to 350 seedlings/m² using conventional methods. In addition, treatment with ZAPPA reduces the rate of seed borne plant diseases such as brown spot (biopolarisoryzae) and blast (pyriculariaoryzae).

The novel formulation also provides many other advantages, which are directly related to the fact that the water level in fields with ZAPPA-treated seedlings can be increased. Under conventional methods, water is drained from fields after plowing to prepare the field for new seeds to be sown. This is when rodents and weeds invade the fields and cause the most damage. Because standing water in the field is not removed when seeds are treated with ZAPPA, farmers can conserve water while eradicating rodents and weeds.

Other advantages to using ZAPPA include: increased seed purity (no seeds from weeds are inadvertently mixed in, which is a normal occurrence with conventional methods); expensive pesticides for weeding and the associated labor-intensive work are no longer needed; farmers can increase their harvest and thus their earnings; and widespread use of ZAPPA has the potential to help Malaysia become entirely self-sufficient for its rice demand.

Partnerships and collaborations with these interested entities were primarily undertaken to independently measure the effectiveness of ZAPPA. Shortly after the technology was developed, researchers from the Malaysian Agriculture Research Development Institute (MARDI) that were based in the rice paddy farming regions of Tanjung Karang, in the state of Selangor, and Bertam, in the state of Penang, entered into a joint study with UPM that evaluated the effectiveness of ZAPPA for seed germination and weed control in both regions. The results showed that seeds treated with ZAPPA were able to grow in depths of five to fifteen centimeters, which was of particular importance to farmers in these regions as typical water levels of three to five centimeters are dramatically increased during the rainy season.

Another R&D collaboration was undertaken with the Farmer’s Organization Authority (FOA) in the southern part of the Malaysian peninsula. From January 2003 to February 2005, trials were conducted for six crops and exhibited an increase in paddy yield of 8.3 t/h, as compared with the 4.2 t/h that is normally achieved without the use of the technology.

Branding and Commercialization

Important to the success of Diversatech and UPM’s innovative technology is the development of a strong brand. To that end, the two partners chose the name ZAPPA as a unique combination of a common English word - “zap” - which means to make something disappear, and a Malay word - “pa” - which is an abbreviation for “paddy angin” (weedy rice). The combination of the two into “ZAPPA” means to make the weeds in rice paddies disappear. A catchy brand name, ZAPPA is easy to remember and describes the products effects in a single word.

From the outset, Diversatech has represented UPM’s primary vehicle for technology transfer and partner for commercialization, activities that were undertaken before any intellectual property (IP) protection was secured. Tasked with successfully manufacturing and marketing ZAPPA, Diversatech invested US $110,000 to set up the manufacturing plant that would produce the end product. The company also collaborated with Perantis Pelangi Sdn. Bhd. (Perantis), another Malaysian agricultural company, to further promote the technology to the private sector. Meanwhile, Diversatech collaborated with thirteen state farmer’s associations throughout Malaysia to form Peladang Tech (M) Sdn. Bhd. (PeladangTech) as the official marketing vehicle for ZAPPA and to provide technical assistance to farmers in relation to the correct use of the product.

Through the activities of UPM and Diversatech, the technology behind ZAPPA has been commercialized through various additional means. A significant challenge faced was convincing farmers that the new technology was in fact better than the methods that they had been using for decades. A common way UPM and Diversatech worked to convince them and secure partners for commercialization was through presenting ZAPPA at agricultural exhibitions, which first started when the technology was demonstrated at the 2002 Invention and Research Exhibition at UPM’s campus. Prior to the establishment of UPM’s Innovation and Commercialization Center (ICC) in 2006, there was no clear direction or policy to facilitate patent filings.
As a result, researchers were left on their own to make patent applications, and also in some cases they would participate in exhibitions before making a patent application. However, while the researchers would demonstrate their technology, they would not provide all of the technical information behind it, thus protecting it for future patent applications (this is a continuing policy). As for ZAPPA, since its first demonstration in 2002 the technology has been shown at various exhibitions, trade shows and events throughout the world.

UPM researchers have also developed information brochures and posters, and launched various pilot demonstrations to show farmers the advantages of the technology and how to use it properly. Farmers were also provided with demonstration units free of charge that they could try out for themselves, along with the guarantee that if the rice yield were lower than normal production, Diversatech would compensate the farmers for the difference. Through these efforts, farmers and agricultural organizations and companies were convinced of the effectiveness of the technology.

An important milestone in the commercialisation of ZAPPA came when UPM and Diversatech convinced the Malaysian Ministry of Agriculture of the validity of the technology. As a result, the Ministry of Agriculture awarded Diversatech a three year, US $2.5 million contract in which Diversatech supplied subsidized ZAPPA to farmers so they could experience the benefits and become familiar with the product.

IP Management

Because the technology behind ZAPPA was invented at a research university, transferring the technology to the private sector was vital for its commercialization. Although the University already had a relationship with Diversatech in place, it knew that securing IP rights (IPRs) was a vital step towards technology transfer and commercialization.

Although UPM entered into non-disclosure agreements (NDAs) with its researchers and partners, when R&D and testing initiatives were under way the University did not yet have a concrete IP policy or oversight body. During the early stages of development, researchers and the University as a whole did not pay particular attention to IP, and the University Business Center (UBC) handled all IP-related issues. After successfully exhibiting ZAPPA at many trade shows and events, the University realized the importance of IP and the technology was a precursor for the establishment of UPM’s Innovation and Commercialization Center (ICC) in 2006. ICC handles all IP-related issues for new technologies, and also manages commercialization efforts through partnerships and technology transfers. Although ICC does not have an IP management strategy concretely written down, it follows a general set of principles to maximize the benefits of IP developed at UPM.

First, ICC holds regular meetings to learn about new technologies from academic staff and UPM researchers. These are essentially disclosure meetings, in which the academic staff or researcher makes a short presentation on the new technology to an ICC panel of experts. Panel members are required to sign NDAs to maintain confidentiality. Second, if interest has been expressed in the technology from the commercial sector and/or has won an award at an internal University exhibition, ICC will undertake an in-house evaluation as to the possibility of transferring and commercializing the technology. Lastly, a patent disclosure panel will recommend whether or not IPRs should be secured for the technology. If so, a domestic application is made, and the panel determines within twelve months whether to file an international application under the Patent Cooperation Treaty (PCT) system.

Under current university rules, UPM owns all IPRs that are developed by university staff and researchers. As of early 2011, ICC is working closely with UPM’s legal department to incorporate these principles into an official university IP policy.

Patents and Trademarks

With the establishment of ICC and fundamental IP management policies and a significant amount of interest in ZAPPA from the commercial sector - UPM became aware that it was important to secure a patent for the technology. Patenting the technology would protect it...
from any potential infringers, and give the University a vital tool with which to undertake technology transfer and commercialization. UPM therefore applied for a patent in October 2003 with the Intellectual Property Corporation of Malaysia (MyIPO). The patent (No.MY133162A) was granted in October 2007.

Developing a strong product name was just as integral to the technology’s success as the patent, and therefore UPM also applied for a trademark with MyIPO for the ZAPPA name in 2006 with MyIPO. The mark was registered that same year.

IP Infringement

The importance of IPRs came to light even further when UPM was the victim of IP infringement. Among the research team at UPM were many graduate students. One student stole the ZAPPA formula and started selling products based on it under a different name. Fortunately for UPM and Diversatech, the student was unable to successfully market the infringing product and quickly went out of business. As a result no formal action was required, but for the University and Diversatech, it underscored the importance of IPRs and the vigilance that must be taken to protect them. As such, all postgraduate students are requested to sign NDAs and staff members are required to sign NDAs and take an oath to maintain confidentiality on any aspects that may bring negative repercussions to the University.

Technology Transfer and Licensing

The University offers several modes of technology transfer, the most common of which are licensing agreements or the formation of spin off companies. In the case of licensing agreements, researchers will be awarded a certain percentage of royalties. In the case of spin off companies, researchers are given equity in the company (not to exceed 51%) and can also be appointed as one of the company directors. The researcher primarily provides technical expertise while continuing to work as a full time staff member of UPM.

In the case of commercializing ZAPPA, because Diversatech was involved from the beginning a licensing agreement was the natural choice for technology transfer. However, because ZAPPA was successfully launched into the market before the patent was registered and any official University IP policy was in place, UMP did not take an aggressive stance when it came to drawing up an official licensing agreement. With the establishment of ICC in 2006, the University wanted to formalize the relationship with Diversatech through an official licensing agreement. Under the terms of the agreement, UPM receives a 2% royalty from gross sales and a 2% interest in Diversatech for both UPM and the researchers that developed the technology.

Should Diversatech desire technical assistance from the researchers, the company is required to provide remuneration and hire them for a maximum of one month per year. Royalties are paid twice a year, once in June and once in December. Diversatech is allowed to sub-license the technology under similar terms, and the licensing agreement was formally signed on 16 January 2008 for a term of five years.

Business Results

ZAPPA has been the recipient of many awards, such as the gold medal at the 2002 Invention and Research Exhibition in Malaysia, the silver medal at the 2002 Invention and Innovation Exhibition organized by the Malaysian Ministry of Science, Technology and Innovation and the World Intellectual Property Organization’s (WIPO) International Award in 2004 at the International Exhibition of Inventions in Geneva, Switzerland. It has also been featured in many national and international news outlets, and is on display at the Malaysia Agriculture, Horticulture and Agrotourism Exhibition, which is the region’s largest exhibition showcasing the latest technologies and innovations in the agricultural and horticultural industries.

ZAPPA has become a well-known product not only in Malaysia, but also in other countries in the region. As of 2012, gross sales of the product have exceeded US $2.6 million, and UPM royalties have been in excess of US $52,000. PeladangTech, the joint company responsible for marketing, plans to build on this success and expand to other Asian countries, and in early 2011 used sales proceeds to start upgrading manufacturing facilities to increase production levels and meet demand.

Individual farmers have also greatly benefited, as they can produce more rice by using ZAPPA, thus increasing their income by up to US $500 per hectare. In addition, researchers are continually working to make ZAPPA more effective and less expensive so it can remain at the forefront in the highly competitive global market.

Capitalizing on R&D and Technology Transfer

The successful development and commercialization of ZAPPA has brought many opportunities and benefits to Malaysia, its farmers and consumers. Although they came after commercialization, the University’s IPRs ensured the continued success of the technology, domestic rice production has increased, farmers have increased their livelihood, and consumers can enjoy a safer environment in which to live.

<table>
<thead>
<tr>
<th>Member State</th>
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| **Botsswana** | Registrar's Office: Mr. Conductor P. Masena  
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