



**African Regional Intellectual Property Organization**

**African Ministerial Conference 2015: IP for an Emerging Africa**

# **Status of Development of the IP Legal and Institutional Framework in the ARIPO Member States**

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**Making better use of Intellectual Property for business  
competitiveness and development in Africa**

## Development of IP Legal and Institutional Framework

- ✦ Before TRIPs: inconsistent IP laws and fragile or non-existent IP institutions
- ✦ Massive adherence to WTO (thus party to TRIPS)
- ✦ 15 ARIPO Member States members of WTO. Liberia, Sao Tome & Principe and Sudan started negotiations to join while Somalia is yet to undertake the process (not member of Harare Protocol)
- ✦ TRIPs - Part III — Enforcement of Intellectual Property Rights
- ✦ Enforcement measures imposed by Arts 41 – 61: **Legal framework** for enforcement; **Institutional framework** for enforcement; Civil and administrative procedures; Provisional measures; Criminal procedures; Border measures



# ARIPO Member States Compliance with TRIPS

- ✦ ARIPO Member States are compliant with TRIPs
- ✦ LDCs ARIPO Member States did not take advantage of TRIPs flexibilities
- ✦ All ARIPO Member States established specialized institutions (Institutes, Agencies, Authorities, Registrar Generals) to deal with IP
- ✦ In general, the Laws are new, modern and post-TRIPs (few exceptions: Malawi, Namibia, Sudan and Zambia)
- ✦ Specialized IP courts or dedicated IP Sections are available and operational in Kenya, Malawi, Mozambique, Rwanda, Sudan, Tanzania, Uganda and Zimbabwe
- ✦ Civil, Administrative Remedies and Provisional and Border Measures available



# Common challenges in the Development of the IP system

- ✳ Strategic approach on IP policies, laws and procedures
- ✳ Strategic approach on emerging issues in IP
- ✳ IP offices infrastructural development
- ✳ Capacity building in IP
- ✳ IP Management systems (including IP Databases)



# ARIPO Role in the Promotion of IP in its Member States

- ✦ Pooling of resources together for promotion, development and harmonization of IP laws and policies.
- ✦ Integrating IP in the national & regional economic development programmes & policies
- ✦ Facilitating & encouraging IP awareness Programs
- ✦ Facilitating harmonized national & regional protection, exploitation & enforcement of IP
- ✦ Promoting capacity building & development of human resources in IP (ARIPO Academy)
- ✦ Promoting dissemination of technological information
- ✦ Promoting transfer of technology



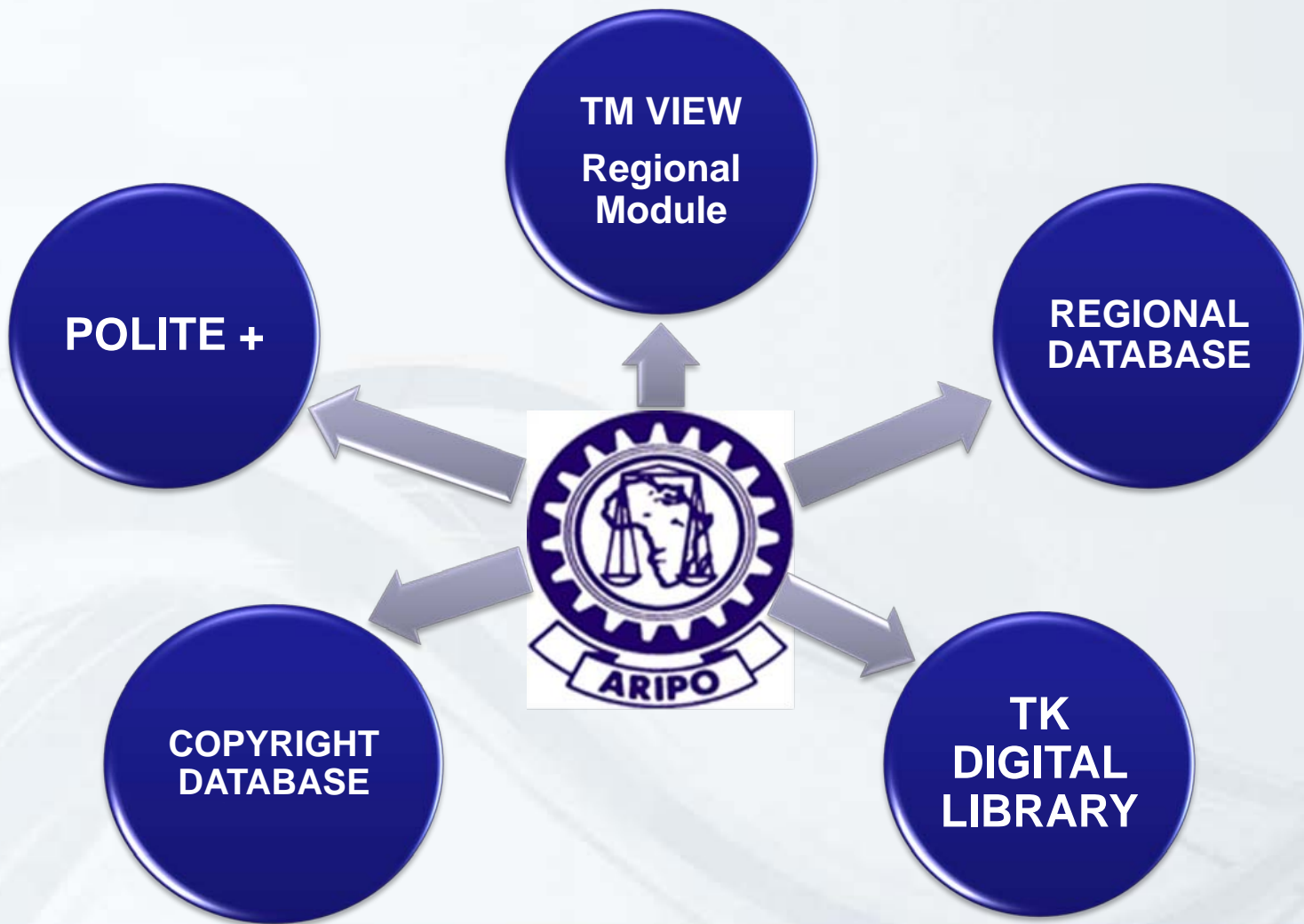


## ARIPO Role on tackling Member States challenges (cont.)

- ✳ In dealing with emerging issues member states have progressively entrusted the organization with more mandates: from patents, trademarks, industrial designs, utility models to new areas: copyright, geographical indications, new varieties of plants, traditional knowledge and expressions of folklore
- ✳ For capacity building ARIPO Academy was established to conduct:
  - awareness activities through conferences, seminars, etc.
  - Training activities through short courses and Master of Intellectual Property (8 editions/200 MIP graduates)
- ✳ Sophisticated tools of IPRs management in place including e-filing, e-search, e-payments for easy protection in the region



# HUB IP MANAGEMENT SYSTEMS



# ARIPO achievements on IP Development in Africa

- ✳ Driving force for IP development in the Member States
- ✳ Encouraged common approach in establishing IP agencies
- ✳ Growing number of accessions to ARIPO and its Protocols
- ✳ Growing number of domestication of ARIPO protocols at the national level
- ✳ Growing number of registrations of IPRs
- ✳ Assisted Member States in development of IP policies
- ✳ Established Master of IP – graduated 201 people in 7 years
- ✳ Trained IP Office Staff and examiners on IP
- ✳ Undertook awareness raising programmes



Positioning itself as hub for IP management systems  
(Modernization of ICT infrastructures and linkage with Member States)

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