



African Regional Intellectual Property Organization

**ENCOURAGING INNOVATION TECHNOLOGY THROUGH THE USE OF
UTILITY MODELS AND INDUSTRIAL DESIGNS FOR SMALL AND
MEDIUM-SIZED IN ARIPO MEMBER STATES ENTERPRISES
(SMEs): THE ROLE OF REGIONAL ORGANIZATIONS**

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

Overview

(1)

- Introduction to ARIPO
- Barriers to use of IP system, in particular utility models and industrial designs by SMEs
- Measures that should be undertaken by regional organizations to encourage more effective use of the IP System by SMEs
- Conclusion



ARIPO – brief introduction (2)

- **Created under the Lusaka Agreement signed on December 9, 1976**
- **The Organization was initially known as the “English Speaking African Regional Industrial Property Organization (ESARIPO)”**
- **Membership open to States members of the United Nations Economic Commission for Africa (UNECA) or the African Union (AU)**
- **On June 1, 1981 the Organization established its own Secretariat**



ARIPO – brief introduction (3)

- **Organization's name changed from ESARIPO to African Regional Industrial Property Organization (ARIPO)**
- **On acquiring mandate on Copyright and Related Rights name changed to The African Regional Intellectual Property Organization (ARIPO)**
- **Decisions – the ARIPO Council of Ministers and the ARIPO Administrative Council**
- **ARIPO is based in Harare, Zimbabwe**



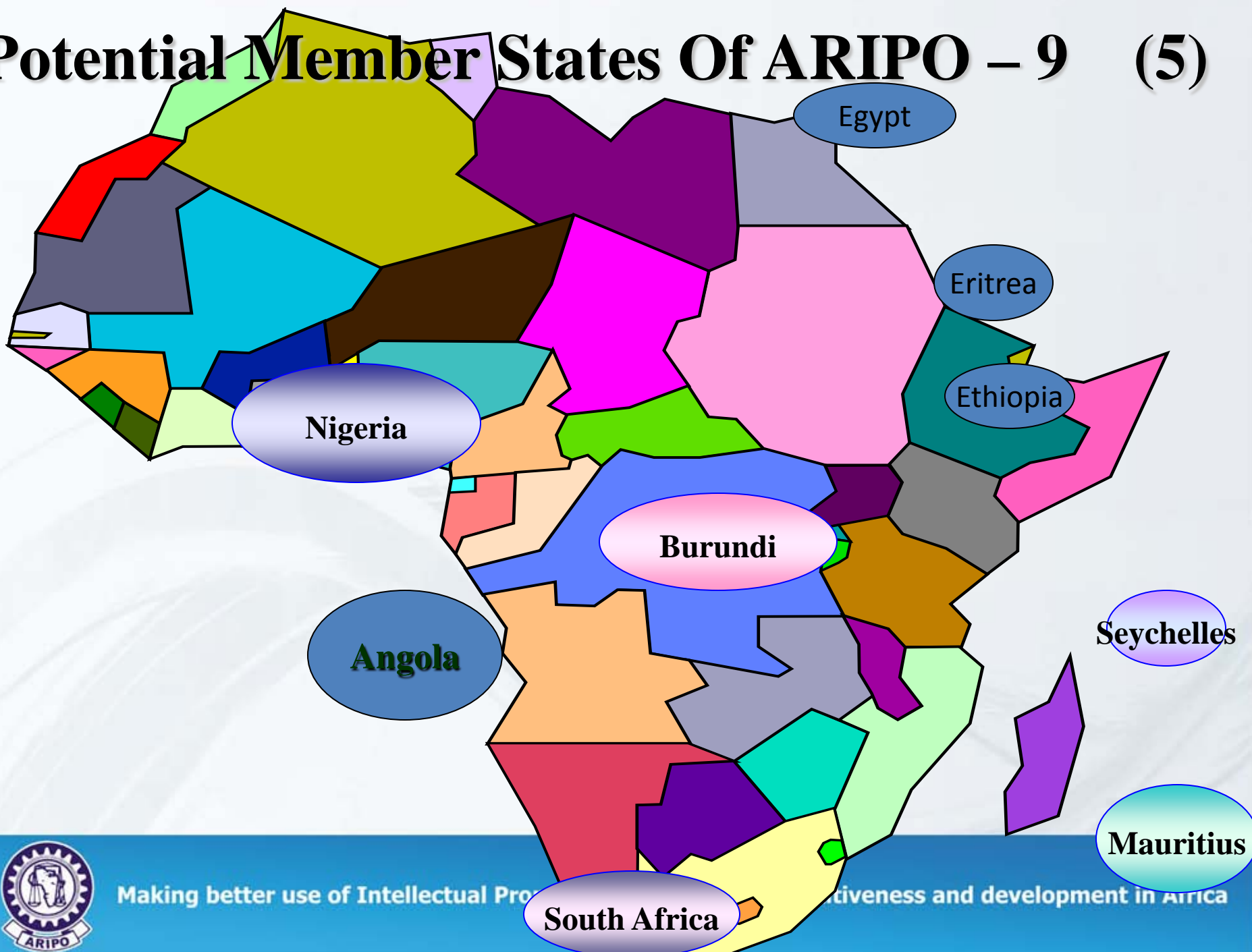
Member states of ARIPO (4)

- Botswana
- Gambia
- Ghana
- Kenya
- Liberia
- Lesotho
- Malawi
- Mozambique
- Namibia
- Rwanda
- Sao Tome & Principe
- Sierra Leone
- Somalia
- Sudan
- Swaziland
- Tanzania
- Uganda
- Zambia
- Zimbabwe



= 19

Potential Member States Of ARIPO – 9 (5)



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

South Africa

Mauritius

Seychelles

Angola

Burundi

Nigeria

Ethiopia

Eritrea

Egypt



ARIPO Market: Population & GDP (6)

USA: 14.99 trillion USD

China: 7.318 trillion USD

Switzerland: 659.3 billion USD

Nigeria: 244 billion USD

South Africa: 408.2 billion USD

ARIPO Member States

Population: 226.786

GDP: 273 billion USD

GDP growth rate: 5.3%

	Population	GDP (2012)	
Country	Nr (millions)	Growth rate (%)	(Billion USD)
Botswana	2,004	3,7	14,411
Gambia	1,791	6,3	0,917
Ghana	25,366	7,9	40,711
Kenya	43,178	4,6	40,697
Lesotho	2,052	4,0	2,443
Liberia	4,190	11,3	1,492
Malawi	15,906	1,8	5,653
Mozambique	25,203	7,5	14,605
Namibia	2,259	5,0	12,807
Rwanda	11,458	8,0	7,103
Sao Tome & Principe	0,188	6,5	0,261
Sierra Leone	5,979	15,2	4,337
Somalia	10,195	2,6	1,306
Sudan	37,195	-4,4	51,453
Swaziland	1231	-1,5	3,861
Tanzania	50,4	6,9	28,249
Uganda	36,346	4,4	21,736
Zambia	14,075	7,3	21,490
Zimbabwe	13,724	4,4	9,802
Total	226.786	6,25% (Aver.)	267,759.4



ARIPO Mandate (7)

**Patents and
Utility Models**

Harare Protocol (1982)

**Industrial
Designs**

Harare Protocol (1982)

Marks

Banjul Protocol (1993)

**TK and
Expressions
Folklore**

**Swakopmund
Protocol (2010)**

Copyright

Council Min (2002)

**Access and
Benefit
Sharing**

**Draft Regional
Framework**

**Geographical
Indications**

**Draft Regional Framework
National Frameworks**

**Plant Variety
Protection**

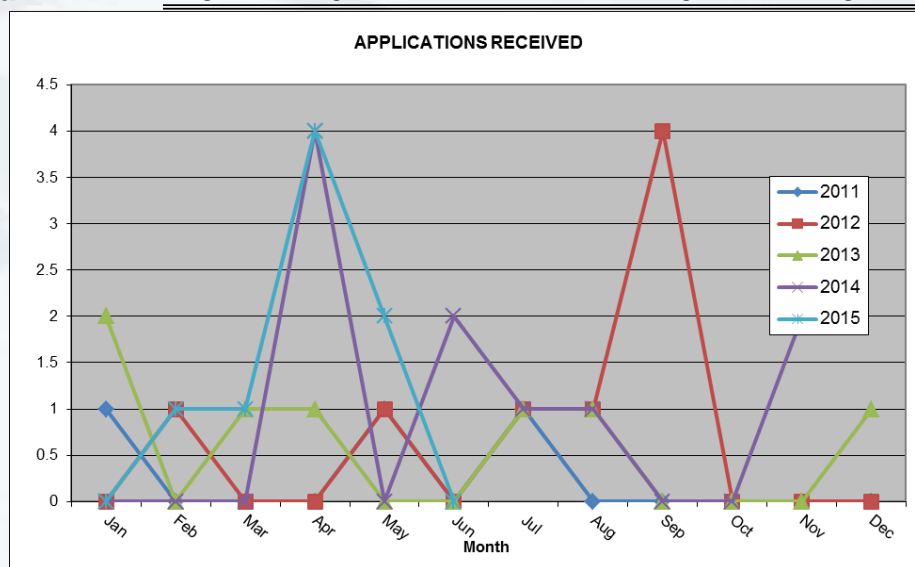
**Draft Regional
Framework**



Utility Model Applications Received 2011-2015

(8)

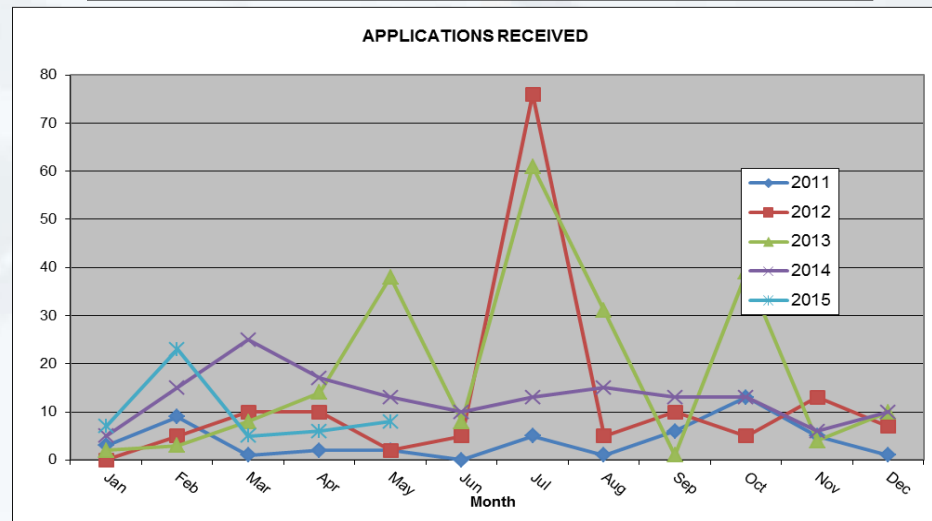
Month	2011	2012	2013	2014	2015
Jan	1	0	2	0	0
Feb	0	1	0	0	1
Mar	0	0	1	0	1
Apr	0	0	1	4	4
May	1	1	0	0	2
Jun	0	0	0	2	0
Jul	1	1	1	1	1
Aug	0	1	1	1	1
Sep	0	4	0	0	0
Oct	0	0	0	0	0
Nov	0	0	0	2	0
Dec	0	0	1	0	0
Total	3	8	7	10	8



Industrial Designs Applications Received 2011-2015

(9)

Month	2011	2012	2013	2014	2015
Jan	3	0	2	5	7
Feb	9	5	3	15	23
Mar	1	10	8	25	5
Apr	2	10	14	17	6
May	2	2	38	13	8
Jun	0	5	8	10	
Jul	5	76	61	13	
Aug	1	5	31	15	
Sep	6	10	1	13	
Oct	13	5	39	13	
Nov	5	13	4	6	
Dec	1	7	10	10	
Total	48	148	219	155	49



Barriers to the use of utility models and industrial designs by SMEs (10)

- Limited knowledge on the ins and outs of the IP system
- Lack of clarity about its relevance to their business strategy and competitiveness
- System too complex
- System too expensive to use
- Ineffectiveness of the system
- Lack of active government support for filing applications



Barriers to the use of utility models and industrial designs by SMEs (11)

- Difficulties in enforcing the rights
- Limited use of information found in patents
- Lack of funds
- Poor IP management skills
- Limited access to expert advice on the subject
- National IP system detached from innovation policy, SME policy, entrepreneur policy and science and technology policy



Barriers to foreign filing by SMEs (12)

- High costs,
- Limited resources,
- Limited knowledge about foreign IP laws and systems



Measures that should be undertaken by regional organizations to encourage a more effective use of the IP System by SMEs (13)

- Intensify awareness-raising and training on IP
- Provide technological information services
- Promote policies geared towards financial assistance
- Promote the use of IP Rights as collateral/ security for loans
- Provide customized advisory services on IP
- Encourage assistance in exploitation of IP and technology transfer



Measures that should be undertaken by regional organizations to encourage more effective use of the IP System by SMEs (14)

- Advocate for introduction of procedures for pre- and post-grant opposition at IP offices, as well as quasi-judicial review of registered rights to make it easier to challenge registrations without going to litigation
- Introduction of electronic filing – IP system would become more accessible to SMEs
- Promote introduction of utility model and industrial design in national IP laws, where not available
- Promote the use of regional and international IP systems



Measures that should be undertaken by regional organizations to encourage more effective use of the IP System by SMEs (15)

- Consider introduction of the concept of unregistered design
- Promote increased cooperation between institutions providing support to entrepreneurs and SMEs and institutions involved in national innovation system such as universities, R & D institutions, IP office, chambers of commerce and industry, SME and inventor associations, venture capitalist etc.



Conclusion (16)

- Regional organizations and all institutions operating in national innovation system should ensure that IP is adequately incorporated into the broader framework for support for entrepreneurs and SMEs
- In doing so, the regional organizations and national institutions should take into consideration the main obstacles faced by entrepreneurs and SMEs not just in seeking grant / registration of IP rights, but throughout the IP management cycle, including the commercial exploitation of IP rights, the use of patent databases, the valuation of IP assets and the enforcement of IP rights.





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