

COUNTRY REPORT NAMIBIA IP OFFICE

Sub-Regional Workshop on the Development and
Effective Use of IP Statistics for ARIPO Member States

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DISCUSSION OUTLINE

1. IP POLICY & INSTITUTIONAL BACKGROUND AND STRUCTURE
2. IP WORKLOAD-IN TERMS OF APPLICATIONS
3. DATA STORAGE OF INFORMATION/STATISTICS
4. USAGE OF IP STATISTICS BY OTHER MINISTRIES/INDUSTRIES/PRIVATE SECTOR OR ANY OTHER RELEVANT AGENCIES
5. CHALLENGES IN PROVIDING RELIABLE AND ANALYTICAL DATA FOR USE NATIONALLY AND INTERNATIONALLY

IP POLICY

- Namibia does not have IP Policy in place
- IP audit and IP Policy formulation commenced in 2015 with the assistance of WIPO

IP INSTITUTIONAL BACKGROUND AND STRUCTURE

- Separation of Industrial Property Rights and Copyright
- Ministry of Industrialisation, Trade and SME Development – Industrial Property Rights
- Ministry of Information and Communication Technology- Copyright
- Establishment of the Business and Intellectual Property Authority (The enabling Act was recently signed by the President)
- BIPA to become an independent Authority on Business and IP matters
- Ensure that the use of IPR promotes the national developmental objectives and industrialization strategy

IP INSTITUTIONAL BACKGROUND AND STRUCTURE

- Namibia IP Office is under the Ministry of Industrialisation, Trade and SME Development (MITSMED)
- IP Office is under Commerce division headed by a Deputy Permanent Secretary followed by a Director who is the Registrar deputised by a Deputy Director
- We also have two Senior IP Heads referred to as Chief Economist (one responsible for Trademarks, Patents and Designs while the other one is heading Franchising)
- Trade marks Act No. 48 of 1973-legislation governing trade mark registrations
- First trade mark was filed on 02 January 1924, granted same day in Class: 42, later re-classified into Class: 30
- Ministry have +-over 400 staff compliment
- Namibia IP Office have 8 permanent staff and 9 temporary staff
- Among the 8 permanent staff, only 3 are examiners
- Three (3) ICT Staff for the whole Ministry

LEGAL FRAMEWORK

- Namibian Constitution, Article 16 (right to own property)
- Trade Marks Act, 1973 (Act No. 48 of 1973)
- Patents and Designs Act, 1916 (Act No. 9 of 1916)
- the Patents, Designs, Trade Marks, and Copyright Proclamation, 1923 (Act No. 17 of 1923)
- Copyright and Neighbouring Rights Protection Act, 1994 (Act No. 6 of 1994)
- Industrial Property Act 1 of 2012 (awaiting implementation)
- TRIPS
- Madrid Protocol and Agreement , PCT and Hague Agreement
- ARIPO Protocols (Banjul and Harare Protocols)
- Copyright and Neighbouring rights Protection Act 6 of 1994
- Paris and Berne Convention
- Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore within the Framework of the African Regional Intellectual Property Organization (ARIPO)

IP WORKLOAD IN TERMS OF APPLICATIONS

Three (3) functional IP disciplines at the moment (trademarks, patents and designs): IP Volume indicated by the table below:

Trademark Records	Patents Records	Designs Records
94 183	2087	458

IP Records for the past five years indicated below:

Year	Trademarks Received	Patents Received	Designs Received
2012	1897	26	19
2013	1825	30	8
2014	1817	34	1
2015	3151	20	10
2016	1298	20	15

CONTINUED: Trademarks Breakdown: National applications; Regional applications (Banjul) and International applications (Madrid)

National applications; Regional applications (Banjul) and International applications (Madrid) indicated in the table below:

Total Number on the database	National marks	Regional marks (Banjul)	International marks (Madrid)
94 183	77 879	1004	11 465

DATA STORAGE OF INFORMATION/STATISTICS

- Trade marks data are stored on a reliable system/database given freely to requesting member states by the World Intellectual Property Organization (WIPO), database is called Industrial Property Administration System (IPAS)
- Patents and Designs are still stored manually although workflows were created in the IPAS database and capturing project will commence in the near future hopefully towards the end of this year if not early next year

USAGE OF IP STATISTICS BY OTHER MINISTRIES/INDUSTRIES/PRIVATE SECTOR OR ANY OTHER RELEVANT AGENCIES

- Government Ministries
- Trademark agents
- Scholars
- Research institutions
- International organizations such as ARIPO, WIPO, OAPI, EPO...they do from time to time request for IP information
- Business community/persons
- Public

CHALLENGES IN PROVIDING RELIABLE AND ANALYTICAL DATA FOR USE NATIONALLY AND INTERNATIONALLY

- We need to verify and validate trade marks data as some data are either misrepresented, duplicated or just captured in error
- Too much time taken in coming up with reliable reports/records on IP disciplines which are still manually saved e.g. (patents, designs)
- Digitization of all paper-based documents is a necessity as we are unable to account for some missing/misplaced files/documents on the files

THANK YOU!

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