

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

Harare, Zimbabwe, September 14 to 16, 2016

## The Use of Trademarks Statistics

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*Fostering Creativity and Innovation for Economic Growth and Development in Africa*

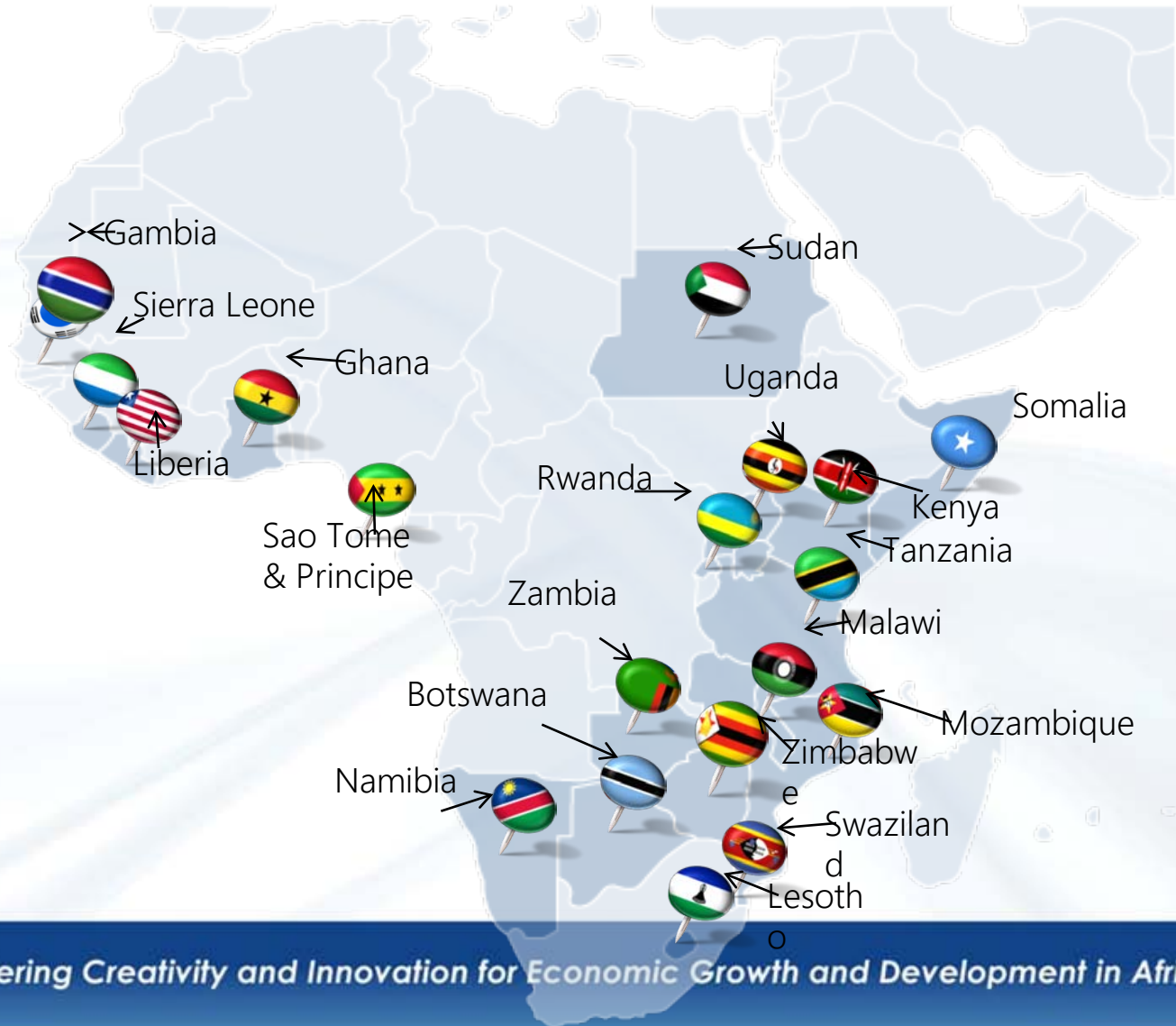
# Presentation overview

- ARIPO Background and Main Activities;
- Advantages of Trademarks;
- TM Filings trends;
- Advantages Statistics for IP Offices
- Possible Problems with statistics;
- ARIPO TM statistics;
- Some indicators for TM statistics;
- Actions needed to increase TM filings;
- Major Challenges Africa is facing with regard to the exploitation of IP

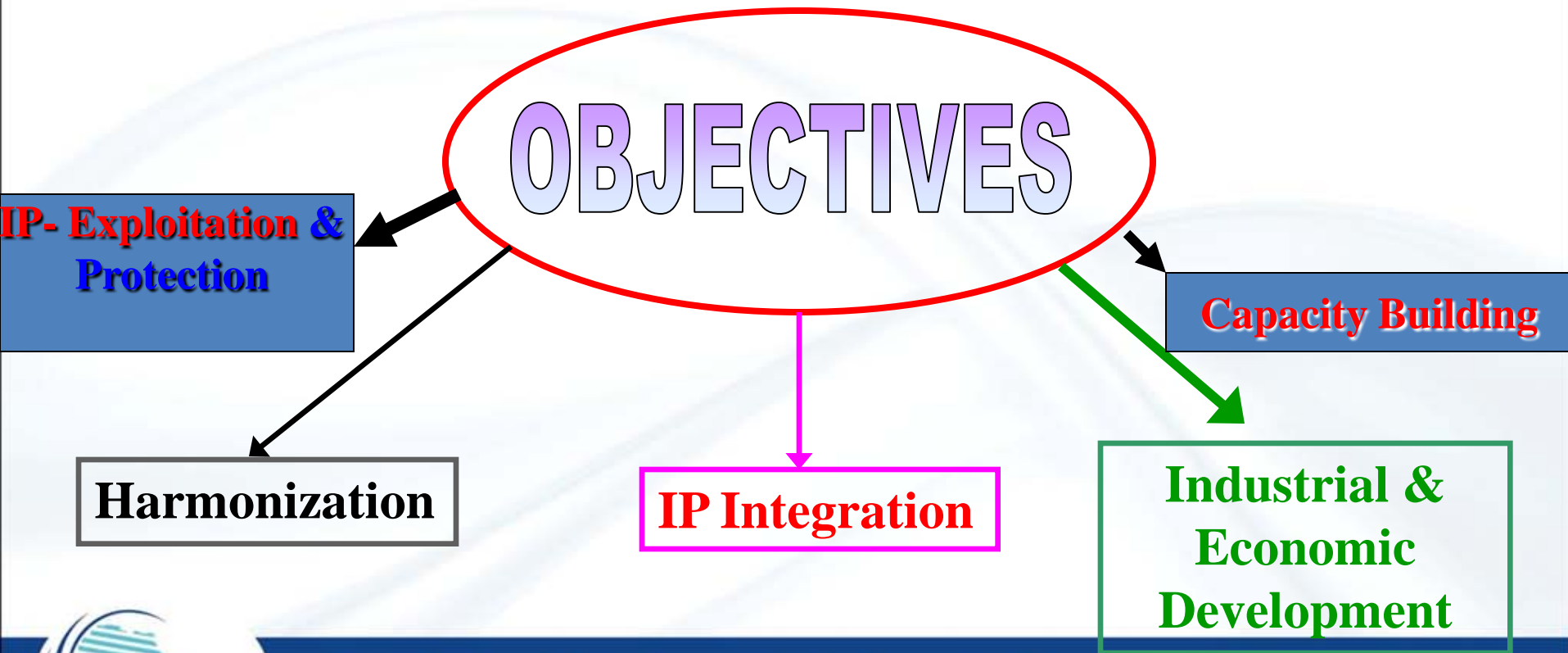


# Membership (*in blue Party to the Banjul*)

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



# ARIPO Regional Strategy & Policy



# ARIPO Mandates

Patents and Utility Models



Harare Protocol (1982)

Industrial Designs



Harare Protocol (1982)

Trademarks



Banjul Protocol (1993)

TK and folklore



Swakopmund Protocol (2001)

Copyright



Council Min (2002)

Access and Benefit Sharing



Draft Regional Framework

Geographical Indications



Regional Framework National Frameworks

Plant Variety Protection

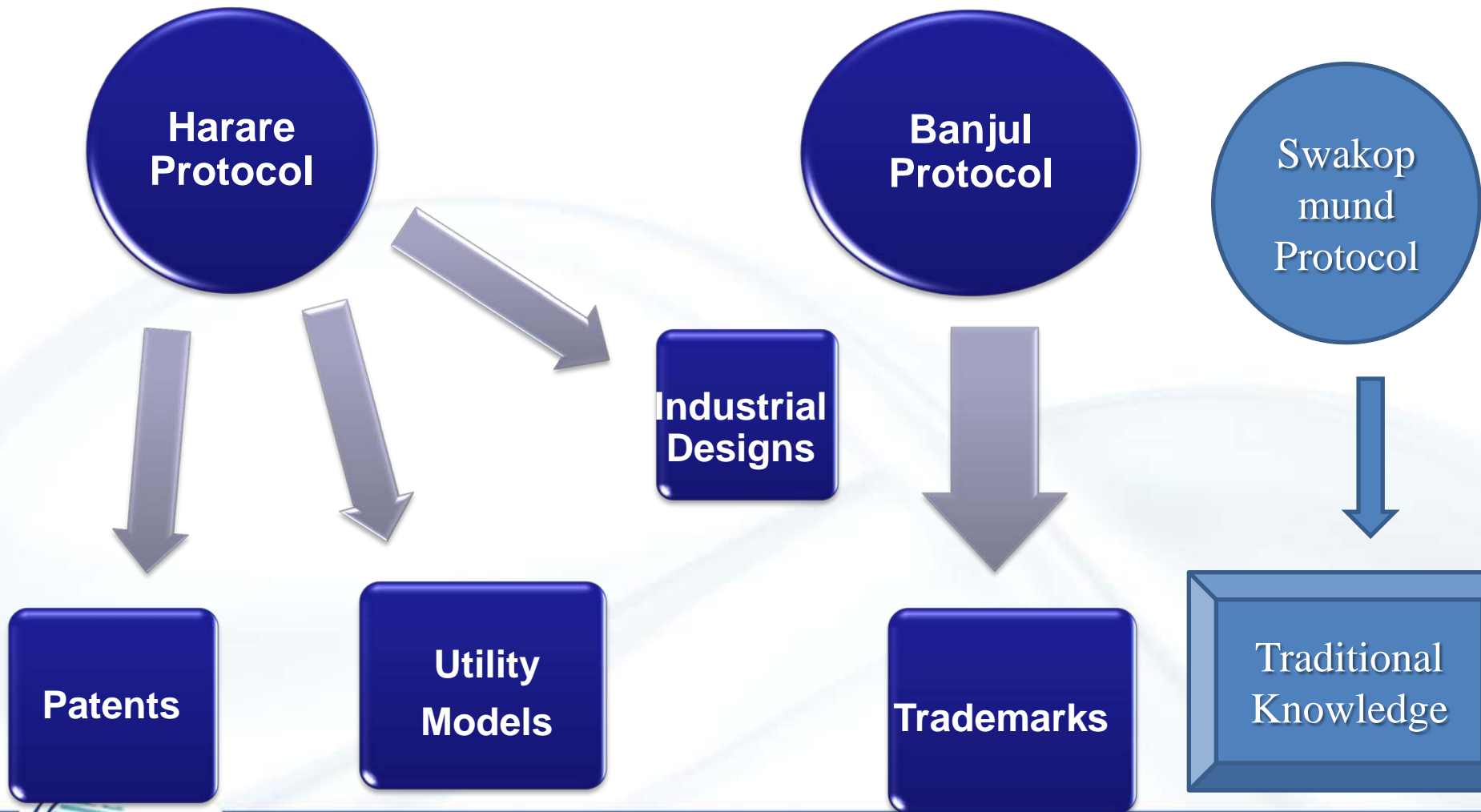


Arusha Protocol of 2015



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# Registration of IP Rights – ARIPO route



# ARIPO Capacity Building & Awareness Programs

- The ARIPO Academy (Capacity Building)
- ARIPO-WIPO-Africa University Masters Degree Program (MIP) in Intellectual Property;
- Awareness and Search Services;
  - ARIPO Digital IP Library;
  - Free of Charge search services for National patent applications,
  - IP Roving Seminars



# Banjul Protocol Membership

Out of the 19 Member States under the Lusaka Agreement, currently 10 are Members of the Banjul Protocol. These are:

<u>State</u>		<u>Effective Date</u>
Botswana	-	October 29, 2003
Liberia	-	March 24, 2010
Lesotho	-	February 12, 1999
Malawi	-	March 6, 1997
Namibia	-	January 14, 2004
<b>Sao Tome &amp; Principe</b>	-	<b>May 19, 2014</b>
Swaziland	-	March 6, 1997
Uganda	-	November 21, 2000
United Republic of Tanzania	-	September 1, 1999
Zimbabwe	-	March 6, 1997





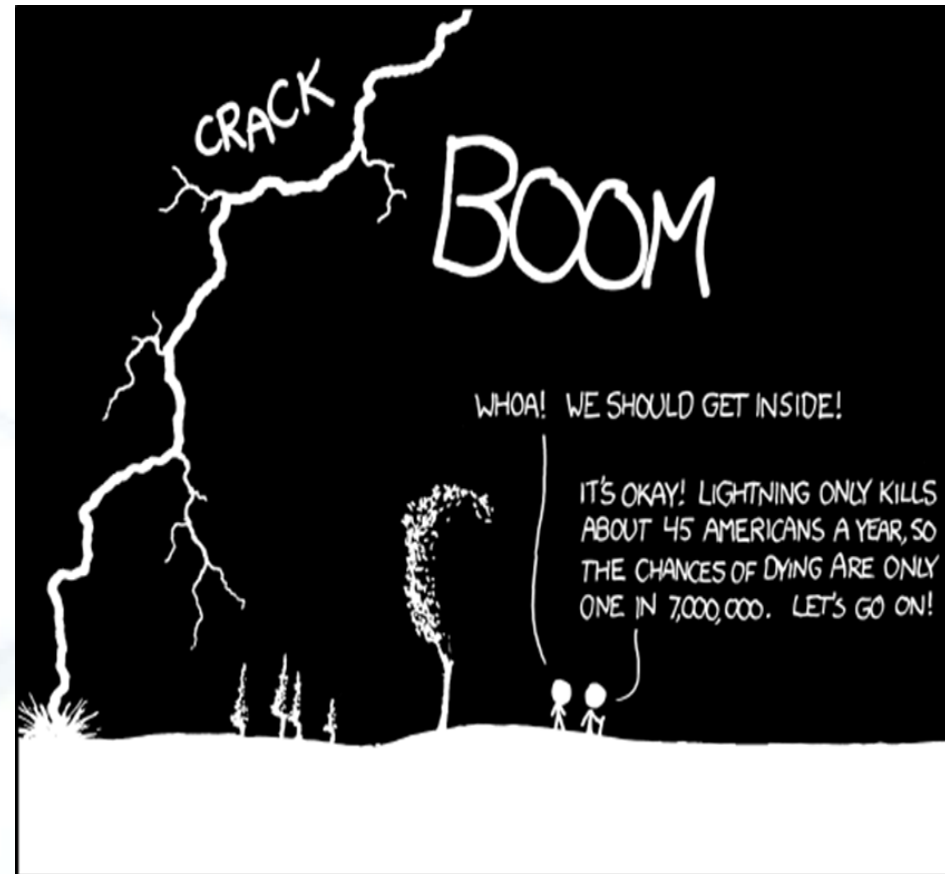
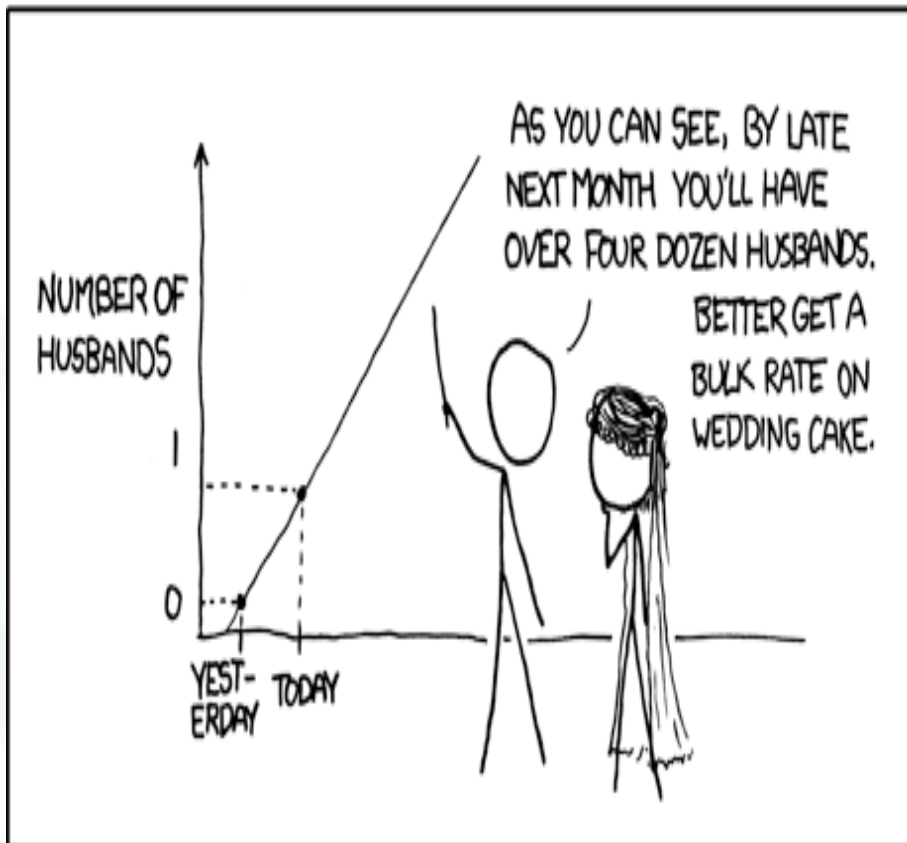
# Main Advantages of Trademarks

- Building confidence around the product and achieving a brand premium pricing;
- Opening up opportunities to enter new product segments;
- Penetrating new geographical markets;
- Improving the conditions for appropriating the returns on innovation whenever other means are not effective;
- Entering the market for trademarks (licensing);
- Saving on promotion expenditures (building loyalty);
- Achieving greater bargaining power against suppliers;
- Extending the protection conferred by other IPRs after their expiration date (namely patents);



# Possible problems & Misunderstanding of statistics

MY HOBBY: EXTRAPOLATING



THE ANNUAL DEATH RATE AMONG PEOPLE WHO KNOW THAT STATISTIC IS ONE IN SIX.

# TM Applications received by Designation: 4700 Since Protocol

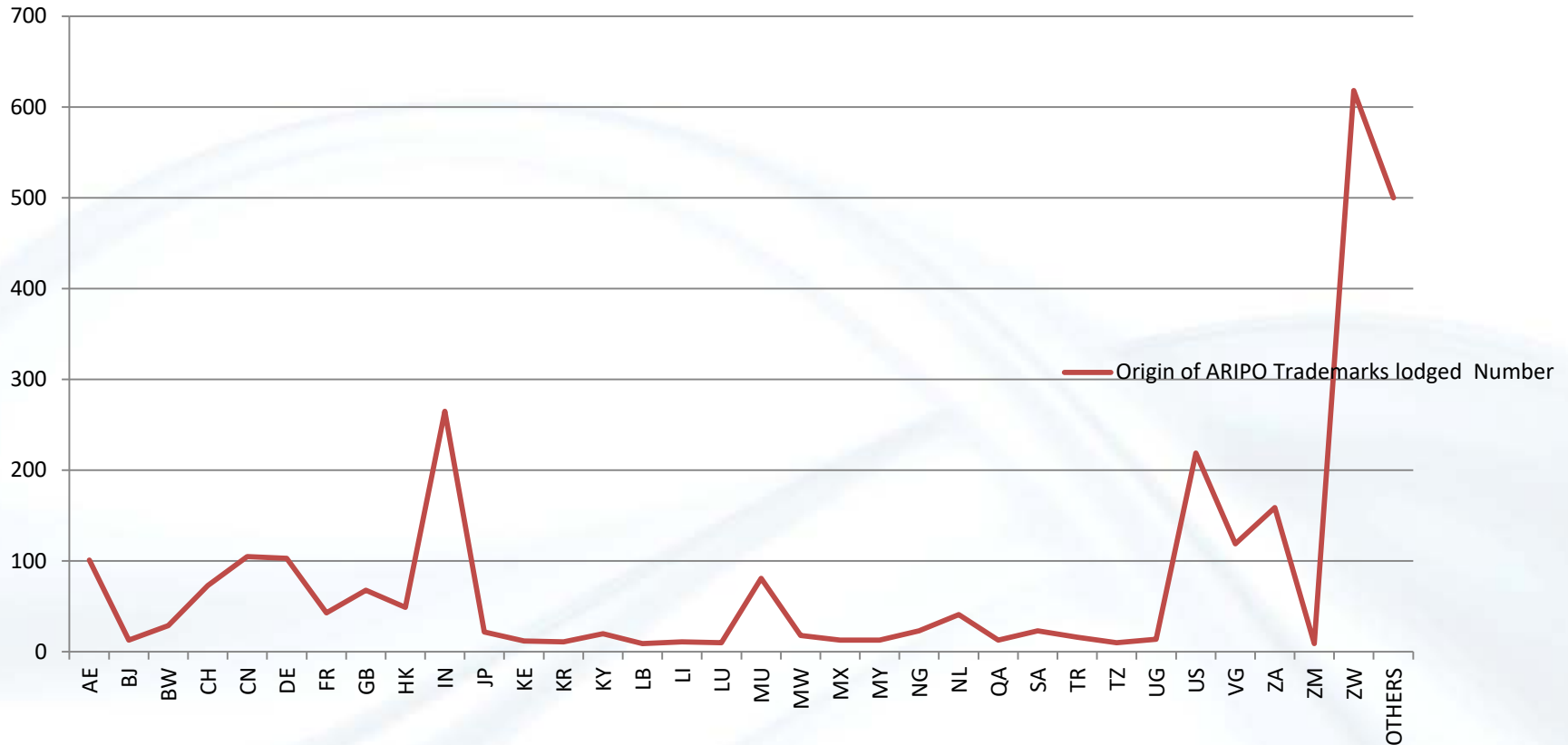
Trademark Applications by designation

	<b>BW</b>	<b>LR</b>	<b>LS</b>	<b>MW</b>	<b>NA</b>	<b>SA</b>	<b>SZ</b>	<b>TZ</b>	<b>UG</b>	<b>ZW</b>
1997	0	0	3	97	0		98	3	0	70
1998	0	0	9	19	0		25	0	0	26
1999	0	0	10	15	0		15	2	0	15
2000	0	0	17	18	0		17	19	6	17
2001	0	0	19	18	0		20	16	15	19
2002	0	0	15	14	0		16	18	19	16
2003	1	0	13	16	0		11	17	17	18
2004	31	0	30	38	30		30	45	39	40
2005	49	0	44	49	43		43	51	43	48
2006	112	0	89	94	91		89	98	88	93
2007	81	0	81	75	77		79	84	72	81
2008	167	0	166	192	170		164	213	178	185
2009	71	0	63	66	65		63	69	57	87
2010	112	65	105	107	115		105	114	109	143
2011	142	72	96	123	126		92	140	115	193
2012	124	74	94	118	100		113	128	125	233
2013	220	177	179	224	211		175	217	203	268
2014	197	141	146	214	175		146	209	187	306
2015	169	125	136	138	134	23	130	131	138	207
<b>Total</b>	<b>1,476</b>	<b>654</b>	<b>1,315</b>	<b>1,635</b>	<b>1,337</b>		<b>1,431</b>	<b>1,574</b>	<b>1,411</b>	<b>2,065</b>



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# Origin of ARIPO Trademarks



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# Designation of ARIPO TM Applications



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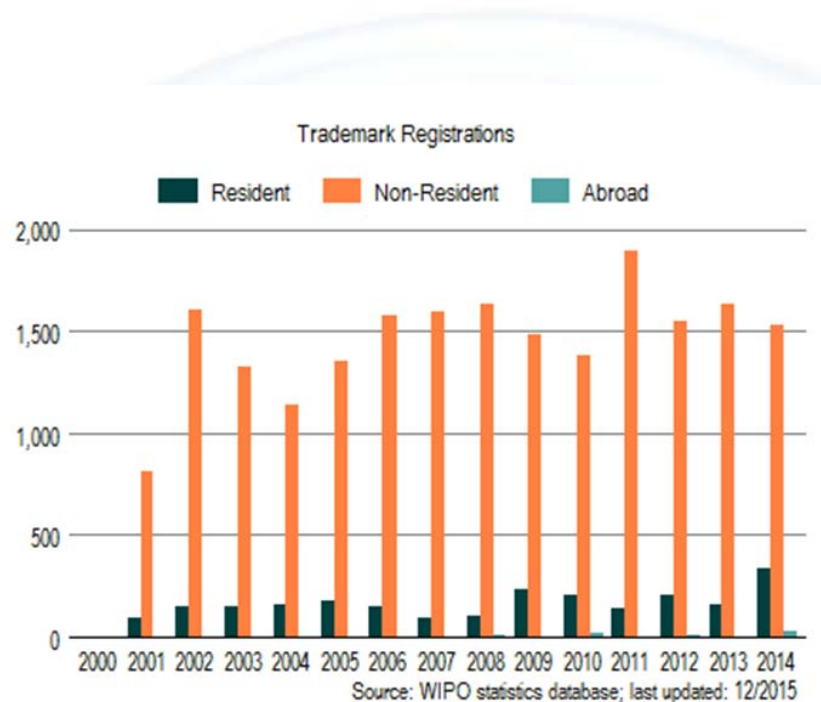
# Some Indications of Filings of TM at ARIPO & in Member states

- Most applications are of foreign origin;
- The limited number of filings indicate:
  - Restrictive & limited trade & investment;
  - Very few large companies are based in Africa;
  - Limited innovative activities;
  - Applicants are not sure of the national enforcement frameworks;
  - Inefficiency and long periods in the processing of applications, etc.
  - Limited knowledgeable human capital;
  - Limited Infrastructure like electricity, internet, etc.

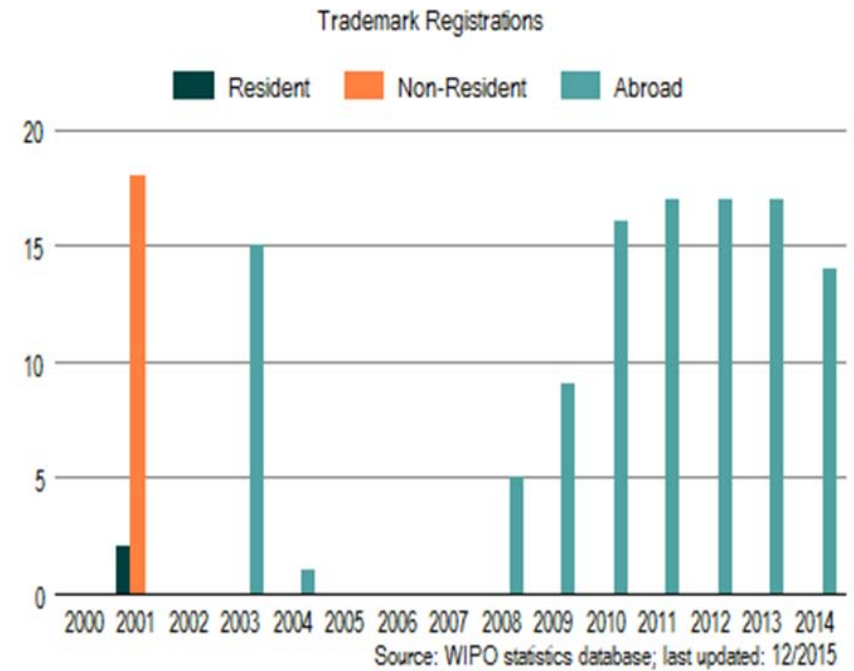


# Some Samples of Member States' TM Filing Profiles

## Country TM Profile: ZM

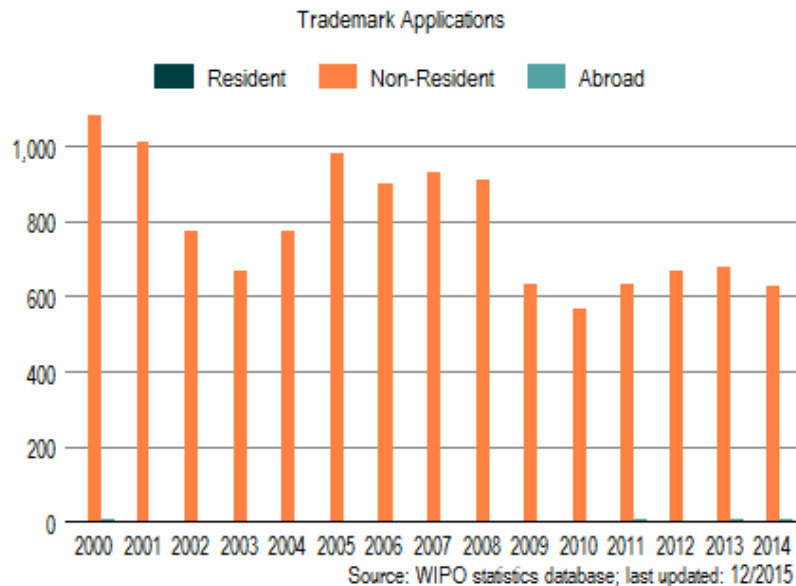


## Country TM Profile: ZW

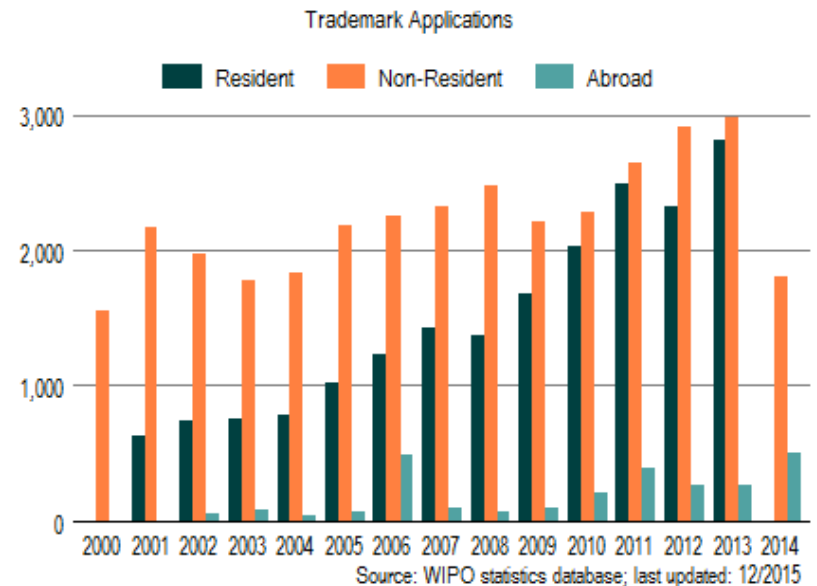


# Some Samples of Member States' TM Filing Profiles

## Country TM Profile: LS

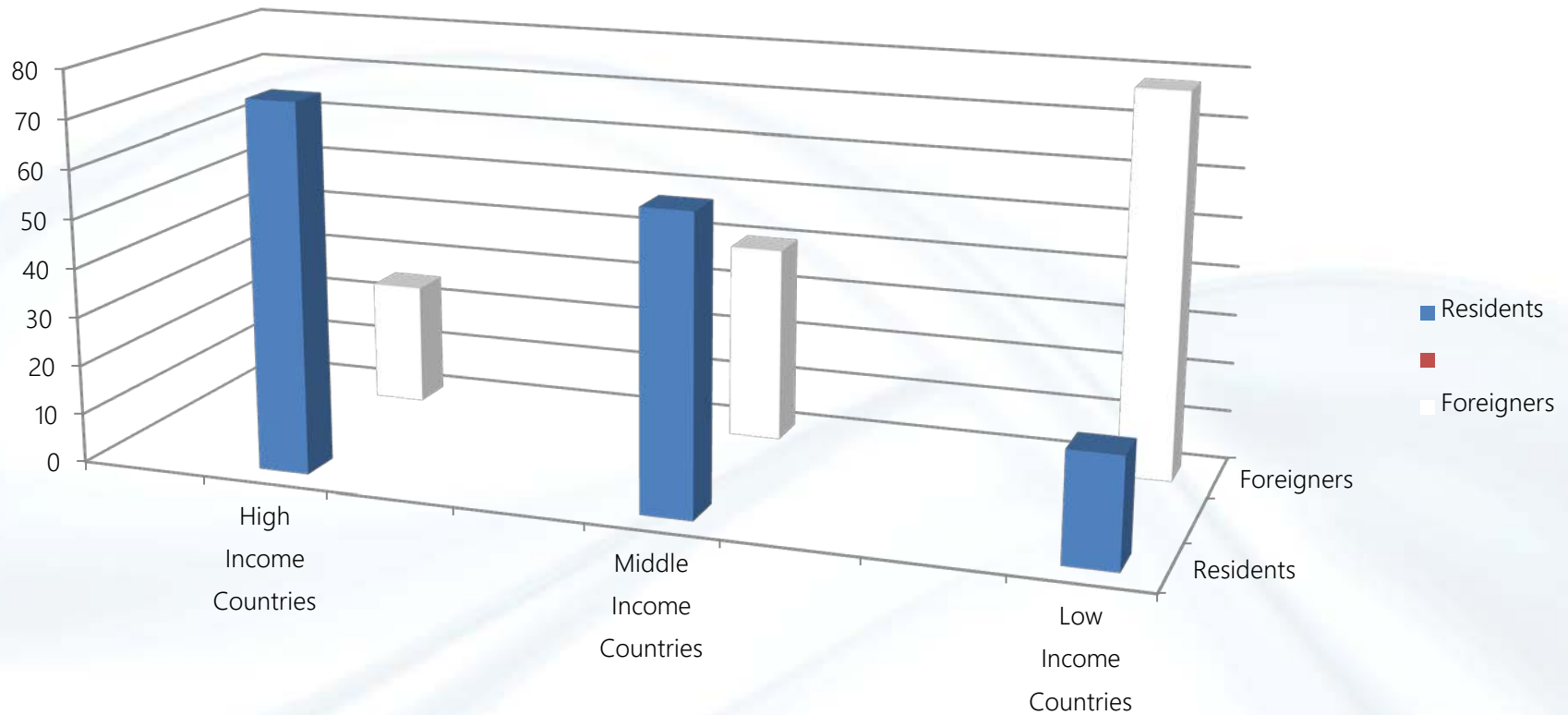


## Country TM Profile: KE

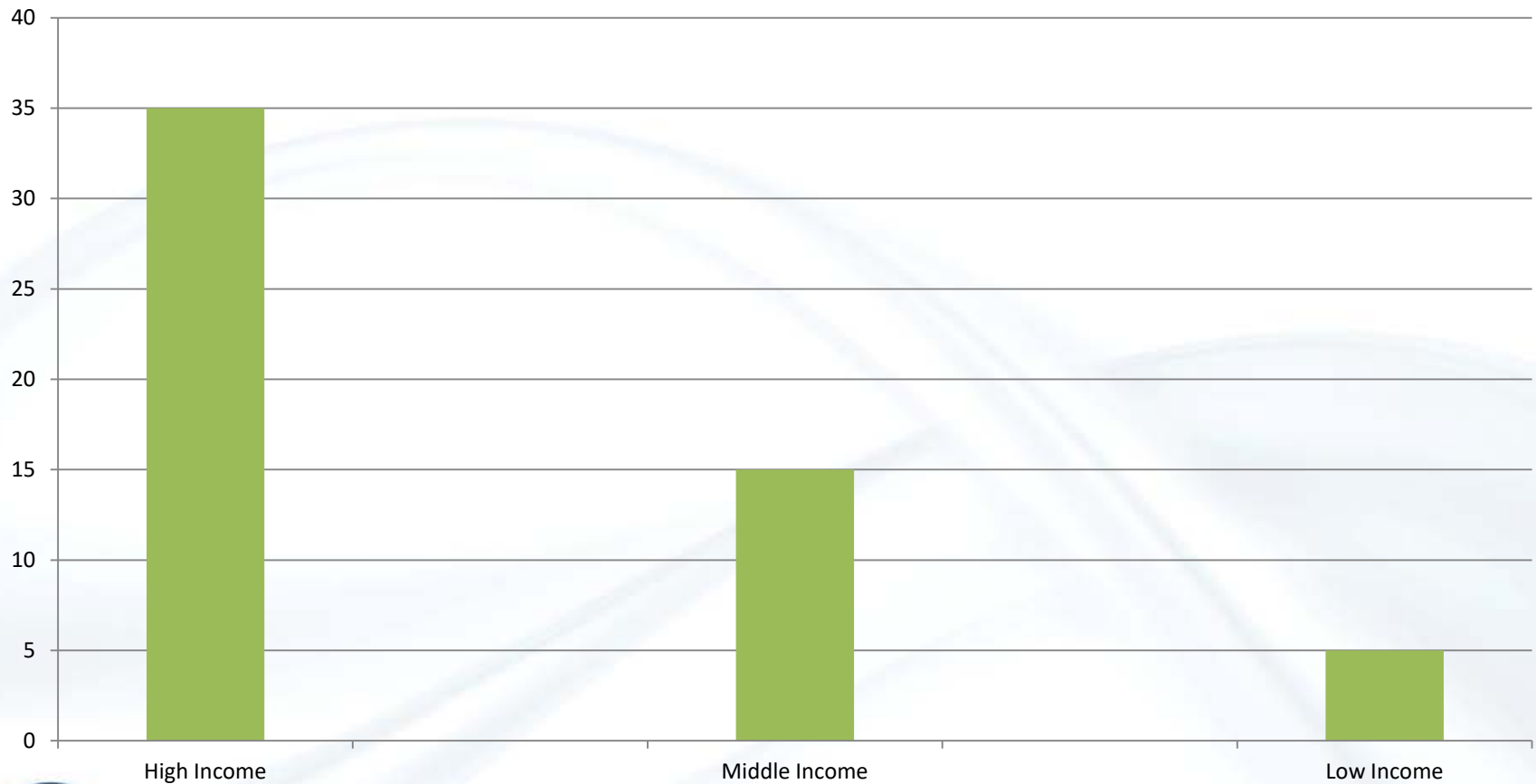




# Domestic Versus Foreign Trademark Registrations in percentage



# Ratio of GDP to number of TM registrations



# Use of Statistics by ARIPO since 2013

- Monitoring of workload:
  - Quantity of incoming filings relative to staff resources;
  - Quality, timeliness, unit cost indicators;
  - Facilitation for training;
  - Facilitation of work flow and business processing, etc.
- Forecasting of IP filings:
  - Extrapolation of past trends;
  - Models with explanatory variables
  - Current challenges: estimating the effect of economic crisis on IP filing behavior, etc.
- Income forecasting:
  - Facilitate budgetary planning;
  - Facilitation of investments & Business activities, etc.



# Actions Taken by ARIPO Increase TM filings

- Awareness drives to include political decision makers;
- Amend the Banjul Protocol to make it more attractive to users;
- Individual fee structure was introduced to attract more member states to join the Banjul Protocol;
- Rationalise and automate the business processing of the office;
- Reduction of TM processing to the minimum;
- Improve Infrastructure including internet speed, manpower and power supply, etc.
- Set up IP information help desk;
- Decision making was giving to the operations



# Challenges to ARIPO & its Member States

- Limited diffusion of Education in Societies and lack of IP Awareness;
  - No IP curricula at all levels of Education;
  - **Limited use of IP information including Statistics;**
  - Limited Innovative activities;
- Infrastructural:
  - Limited Funding on all issues relating to IP;
  - Expensive and slow Internet services;
  - Erratic power supply
  - Few Personnel well versed in IP matters, etc.



# Challenges to ARIPO & Member States (Continued)

- Legal Framework;
  - Limited Political Will & Awareness by Policy makers;
  - Limited Implementation of appropriate national IP Laws;
  - Lack of Appropriate IP Policies and Strategies;
  - Limited Domestication of Regional and International IP rectified Treaties;
  - Lack of IP knowledge by the Judiciary, Policy Makers & Enforcement Agents;
  - Limited Enforcement of IP rights in some countries;
  - Decision to amend all protocol must be debated and approved by Member states



▶ Thank you

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