



BOTSWANA

INDUSTRIAL PROPERTY (IP) OFFICE AUTOMATION STATUS AND ROAD MAP

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&

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1.0 BACKGROUND

Companies and Intellectual Property Authority (CIPA) is an autonomous body under the Ministry of Investment, Trade and Industry (MITI) effective November 2014.

CIPA has seven (7) operational divisions; Core being the Companies & Business Names, Copyright and Industrial Property while Information Technology, Compliance, Awareness and Client Services, Board Secretary/Legal Services as well as the Corporate Services offer support services.

CIPA has an establishment of 81 employees. There are about twelve (12) employees currently responsible for the administration and protection of industrial property rights who actively use IPAS on daily basis.

CIPA is responsible for implementing the following four pieces of Legislation:

The Companies Act, [CAP. 42:01], which provides for the incorporation of companies; registration of post incorporation returns and notices; monitoring of post incorporation returns and reservation of company names.

Registration of Business Names Act, [CAP. 42:05], which provides for registration of business names and post registration notices such as change of ownership and cessation of businesses.

Copyright and Neighbouring Rights Act, [CAP. 68:02], which provides for the protection of the rights of authors, artists and creators, as well as protection of their literary and artistic creations, which are generally referred to as “works”.

Industrial Property Act, [CAP. 68:03], which provides for the protection of industrial property rights in relation to patents, trademarks, utility model

certificates, traditional knowledge, integrated circuits, industrial designs and Geographical Indications.

2.0 INFRASTRUCTURE AND MANAGEMENT

The IP office is committed to provide the environment that will provide a system with high availability and reliability by building a well managed infrastructure that is in progress in the current time.

A system that has a well planned disaster recovery plan that is in place to manage data and rollback plan if need be for business continuity.

2.1 Procedures

Currently with the standalone servers we do not have the policies set in place for the management of the servers but the procedures are in place. The IT team does backups every day as a way to enable recovery and store data to keep it safe to avoid permanent loss in case of system crashes or natural disasters. The backup is done through extracting the data dumps and save them in the external hard drives. They are then used to replay some errors in the test environment for trouble shooting as a first line support before we can escalate it to the WIPO support office.

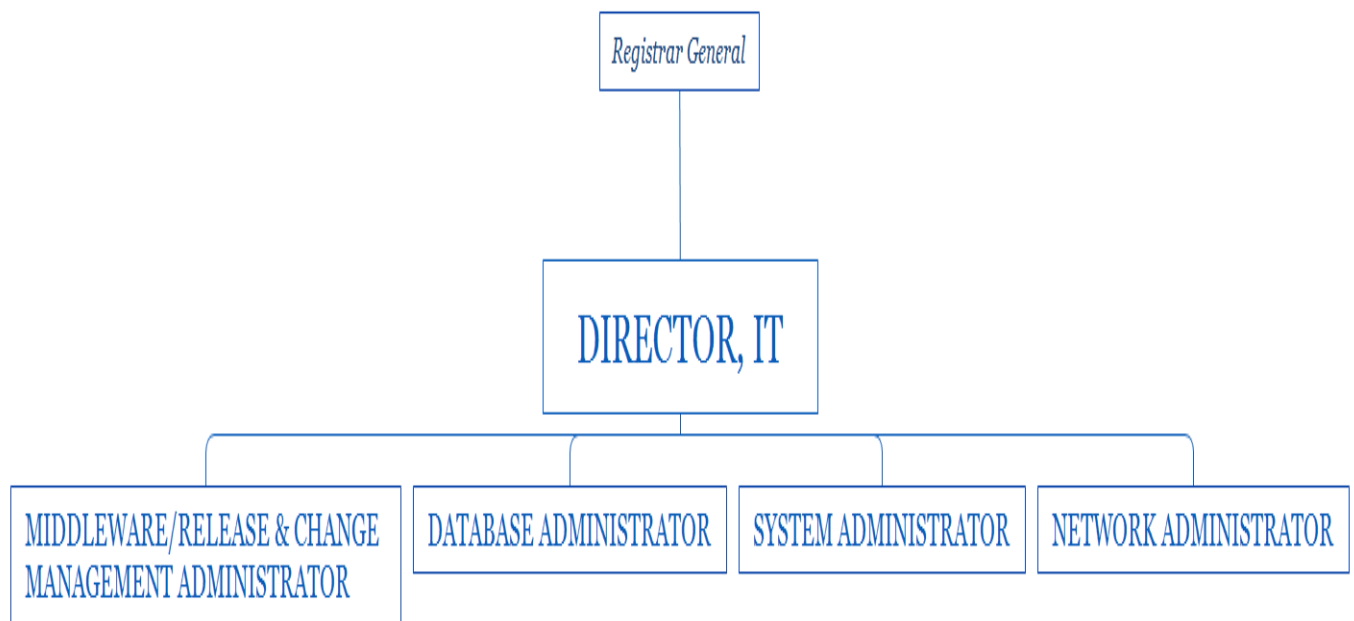
Going forward a policy will be drafted before migration of the current environment into the new infrastructure. The system will be implemented in a clustered environment, it will be in 2 nodes of which when one fails the other picks up. Data will be replicated to the other node thus enabling a fail over capability whereby if one database fails then the other picks up ensuring business continuity. The backup will be done on the Network Attached Storage (NAS). Monthly backups will be done on a tape drive that will be stored at a document bank.

2.2 Security

As a security measure, only authorized personnel is allowed into the server room. All users are authenticated when they login through the domain controller. In order to manipulate data in the database there is need for the password for both the production environment and the test environment.

2.3 Information Technology Division overview

The Information Technology division is headed by the Director, IT who reports directly to the Registrar General of CIPA and seats in the Executive Management meetings. In the CIPA it structure, under the Director, IT there are different experts as shown below:



Currently all the positions in this structure have been filled except for the Database Administrator and the Network Administrator. The IT team is responsible for the systems within the organization, the core systems being the Companies and Business Names Administration System (CBNAS) and the Industrial Property Administration System (IPAS). This team is dedicated to come up with innovative ways to produce a conducive environment for better business processes or system improvement. They liaise with both the regional and international experts when a need arises to make the improvements in regard to our business process since the systems are based on the national law.

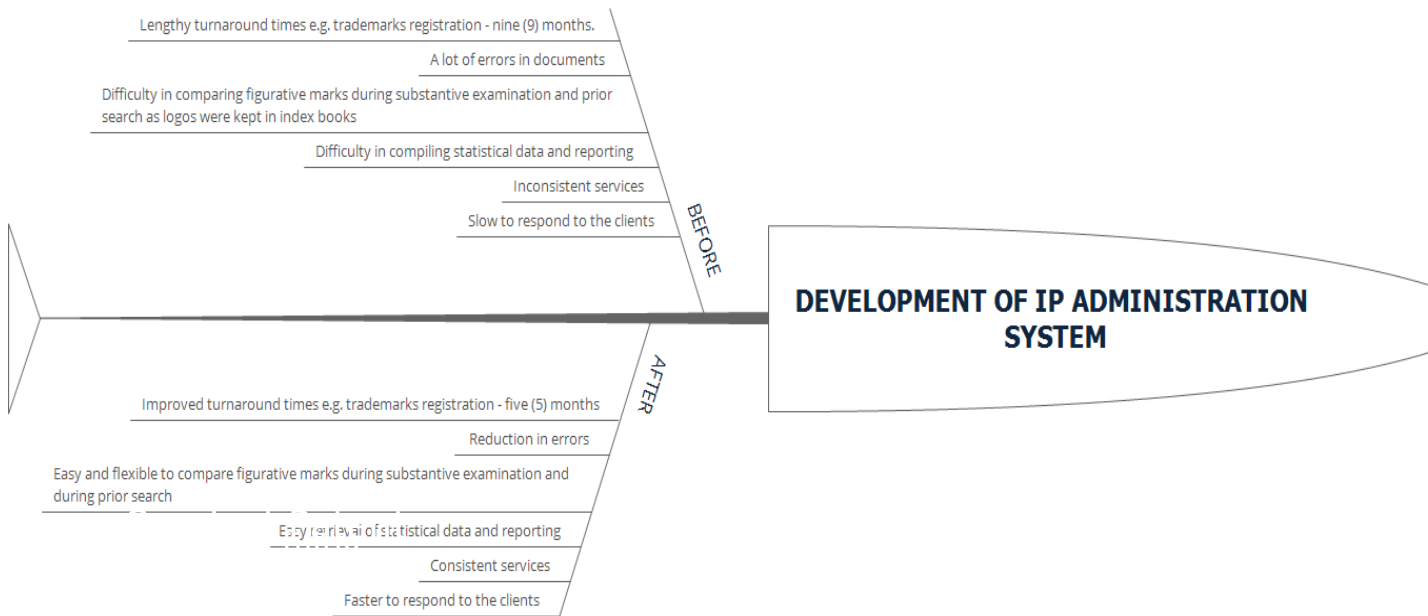
The IT team is experienced in different IT operations and is knowledgeable enough to administrate the systems. The skills and knowledge they continue to acquire is through skills transfer and trainings. In addition to the core roles, the team is responsible for the budget of all the activities they want to undertake for every financial year. For the period of 2016/17 the budget for the IT division is **USD 128,552.00** for all the activities planned for such as maintenance of infrastructure, procurement and repairing of hardware.

3.0 IP ADMINISTRATION SYSTEM

In the past all Botswana industrial property business processes were conducted manually as there was no system in place. In an effort to improve operational efficiency and service delivery, Botswana adopted the WIPO IP Administration System (**IPAS Centura**) in 2004. WIPO assisted with the provision of both IPAS software and the hardware to ensure that the deployment was effected without delay.

The deployment project started with the capturing of the trademarks into IPAS followed by the patents in 2008. Since 2004, IPAS has been fully operational and it has been upgraded through the years to meet the user requirements. WIPO upgraded IPAS Centura to IPAS JAVA 2.7 and was rolled to Botswana in August 2012. IPAS JAVA performed even better as it had more functions, easy to use and was able to be deployed to outstation offices of Maun and Francistown because it is web based. However, the entire processing is done at the Head Office in Gaborone because of lack of capacity in outstation offices. Currently, IPAS is upgraded to the version 3.1.1 which was rolled in December 2015.

The latest upgrade application is hosted within a standalone server and it is run with a glassfish application server and an oracle database. The Electronic Document Management System (EDMS) is hosted within a different stand alone server and it is integrated with the IPAS system as a module.



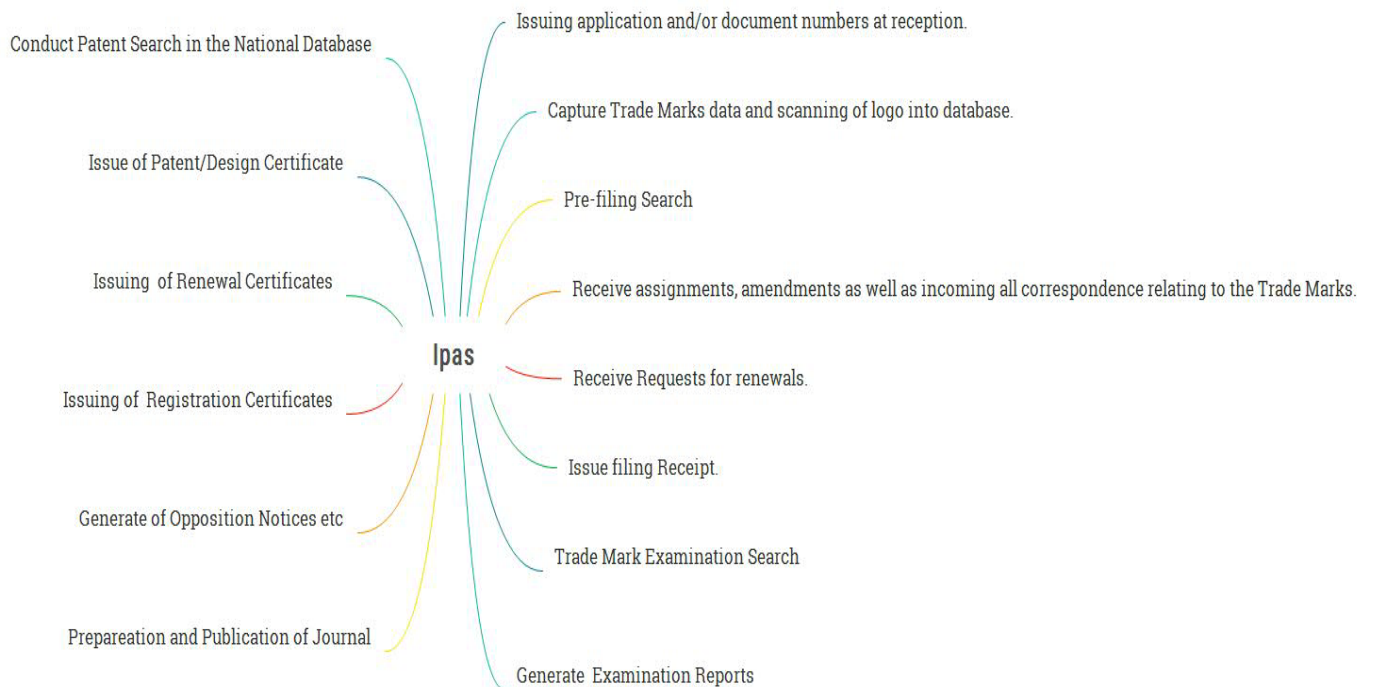
3.1 Provisions in the Industrial Property Act of Botswana

The Industrial Property Act [CAP 68:03] came into force in 1996. It provided for the granting of patents, registration of trademarks, industrial designs in 1998. Trademarks and industrial designs are examined in-house, whilst the patents are examined by the African Regional Intellectual Property Organization (ARIPO) in Harare, Zimbabwe. The reasons for examining patents in Zimbabwe is that they are complex in nature and cover all fields of technology and as such, they require to be examined by experts in different fields of technology.

The Industrial Property Act was reviewed to make it TRIPS compliant and to offer adequate protection in other areas. The amended Act provides for the protection of traditional knowledge and handicrafts, geographical indications, layout designs of integrated circuits, protection against unfair competition and violation of trade secrets, processing of patent applications under the Patent Cooperation Treaty (PCT) and processing of trademark applications under the Madrid Protocol. This culminated in the Industrial Property Act, 2010 which is currently in force.

However, IPAS does not provide for the administration of the new areas in the Industrial Property Act such as Traditional Knowledge, Geographical Indications and Layout of Integrated Circuits which are being processed manually. CIPA intends to request WIPO to assist with the designing of the workflows and modules including the Copyright module for recording of “works” to be incorporated in IPAS.

Below is an illustration of the automated processes handled by the IP Administration System (IPAS).

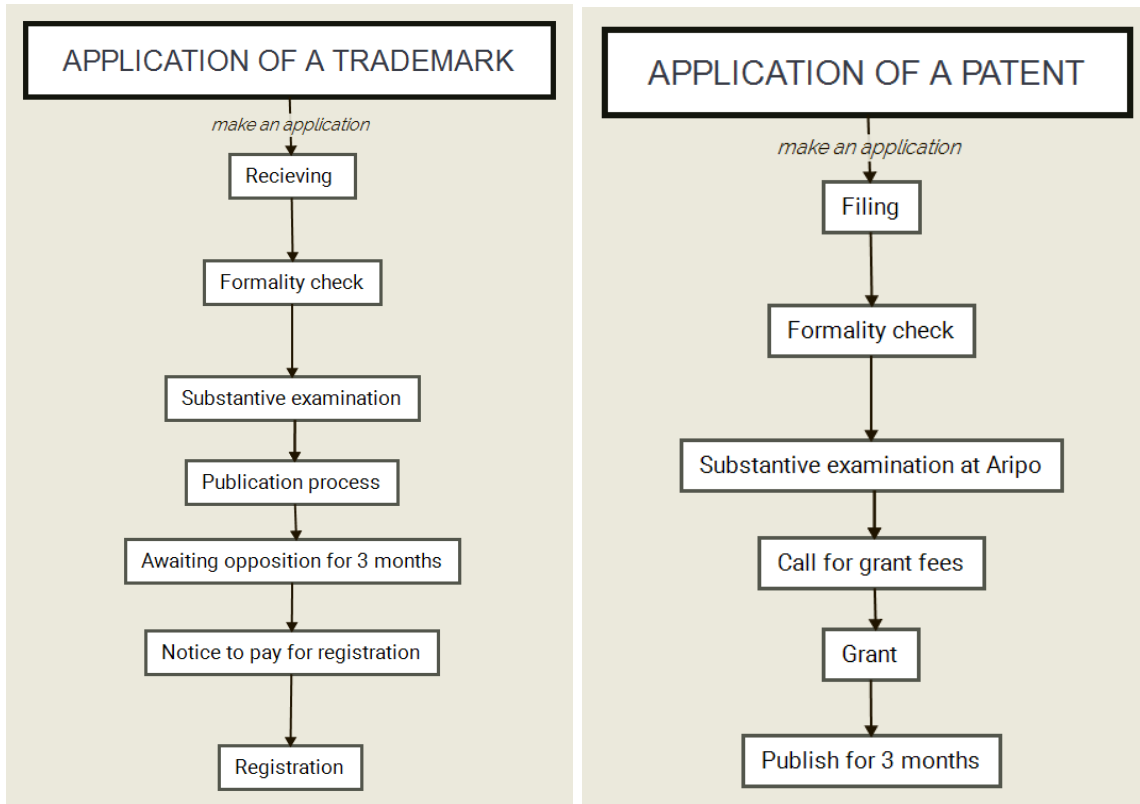


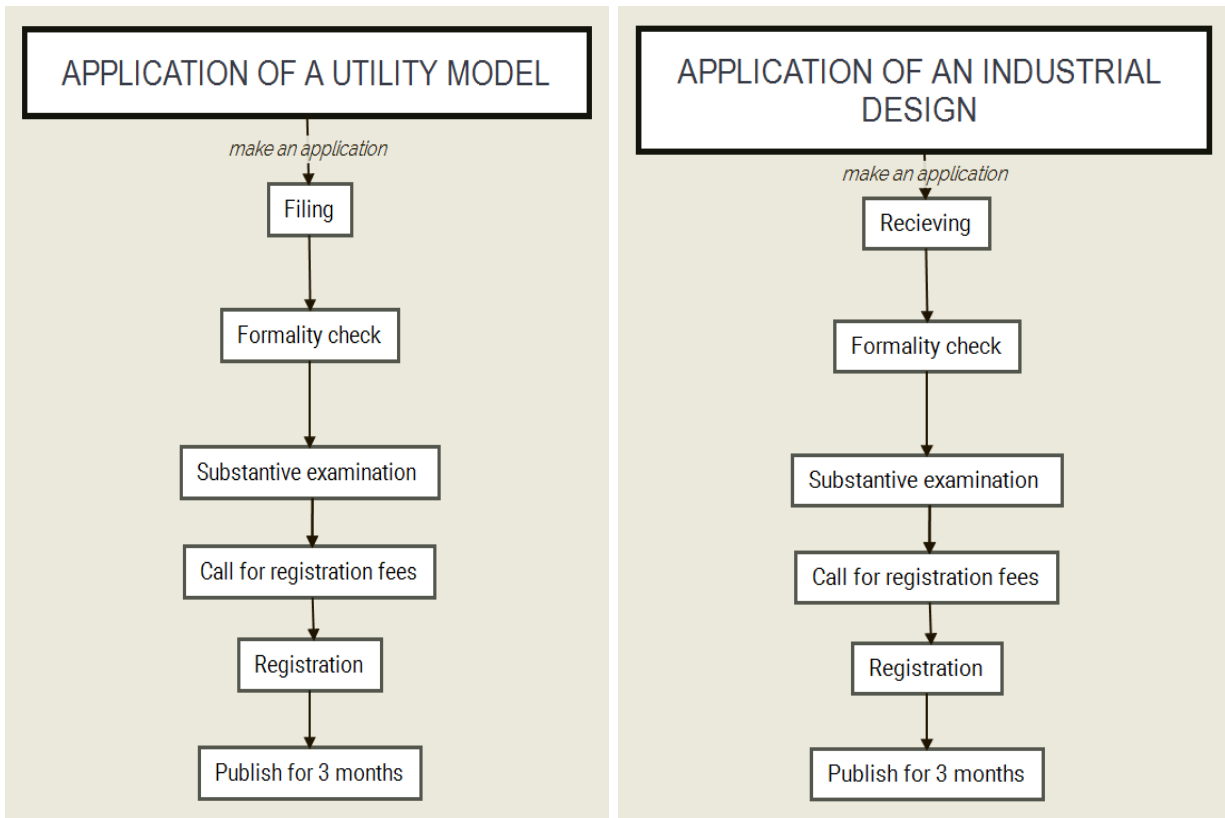
3.2 Workflows

WIPO assisted with designing of the trademarks, patents & utility models, industrial designs and the newest is the Madrid system workflow which was designed and incorporated into IPAS in May 2016. The processing of the Madrid applications commenced immediately after the training and Botswana is now amongst the countries under the Madrid Protocol that has made efforts to process the applications. There are 8,073 Madrid applications designated in Botswana and 5415 have acquired automatic registration. 2,550 applications are pending substantive examination. Since May 2016, 108 applications have been substantively examined and 61 are awaiting opposition, 41 are awaiting publication and 6 has been rejected.

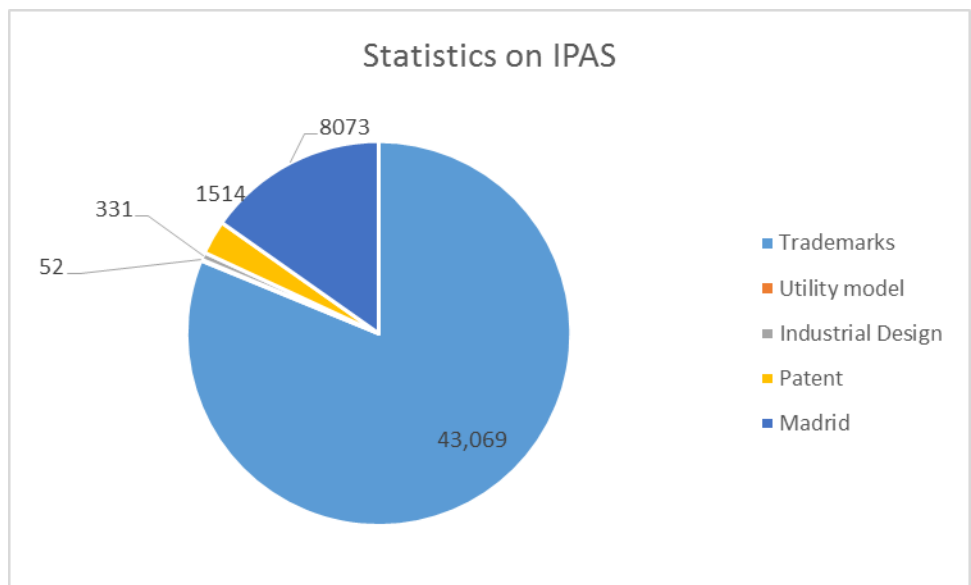
3.2.1 Below

are definitions of workflows designed within the IPAS:





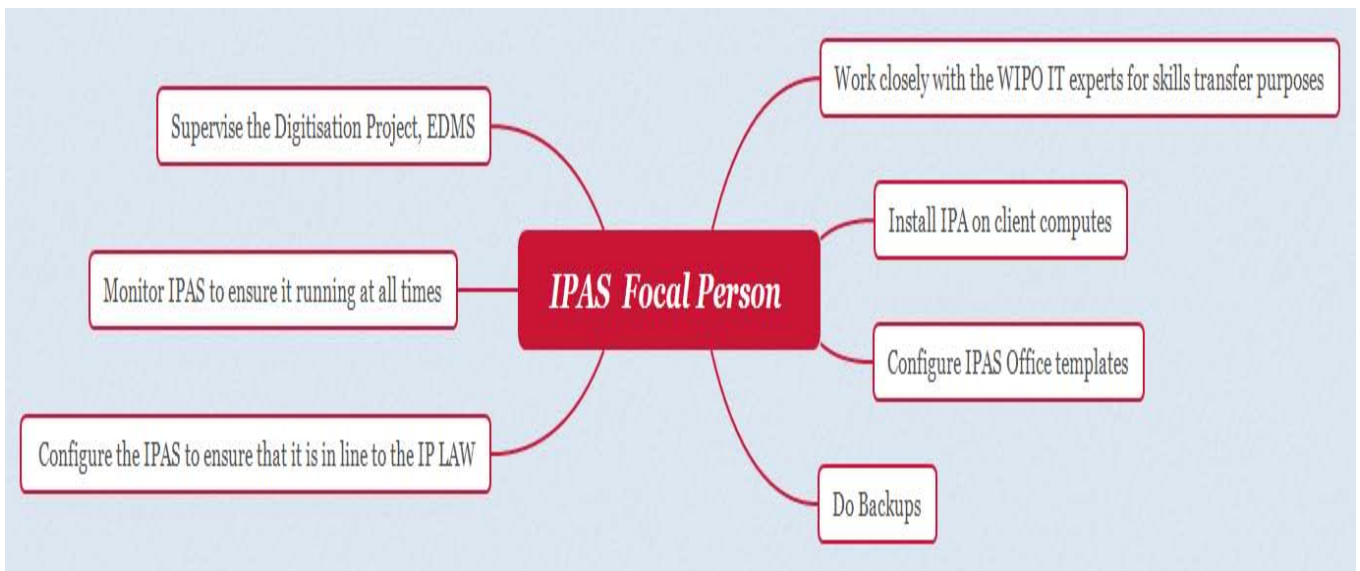
3.3 Statistics in IPAS



3.4 Information Technology staff to support the IP Administration System

The Information Technology team works together with the end-users to understand the system issues and if need arises then it is escalated to the WIPO support team. In other terms, the agreed procedures is that the IT team offers 1st line support and the WIPO support team offers 2nd line support.

Within the CIPA structure in the Information Technology Division, the Middleware/ Release & Change Management Administration and the Helpdesk officer – Information Technology have been identified to focus on the administration of IP Administration System in addition to other roles. In regard to IPAS the following are some of the responsibilities:



3.5 WIPO support

WIPO team provides support for the IPAS software and hardware. WIPO provides skills transfer to the IPAS focal persons through trainings and remote support.

WIPO support team will also be required to assist with the system migration and data quality improvement. A request has been made to WIPO to assist in the data migration into the new servers procured by CIPA.

4.0 ELECTRONIC REGISTRY

The IP Administration System supports the business processes from filing, formalities, examination, publication, opposition registrations, change of ownership and renewals. The office documents in the upgraded system have been set in a way that it does not allow any processes to be handled outside the system such as editing the output generated by the users. This set up contributes in efforts to encourage the users to validate the information and ensure quality and accurate data in IPAS.

All the outputs are generated by the system in 'pdf' format, therefore, all the changes oblige the users to go through the system in order to effect them as a result quality and accurate data improves. The project plan for the proposed business solution ensures that all the IP rights such as copyright, traditional knowledge, geographical indications and integrated circuits will be include within the IP Administration System. The copyright module has been operated within the companies registration system and all the payment processing has been done within that system.

The staff is encouraged to make sure that they erase the ad-hoc processes from the business processes as this affects the data quality. In the past because the office documents were in word format, there was a problem of data inconsistency. An initiative was made with the assistance of WIPO to train both the IPAS focal persons and the end-users to improve on having the quality and accurate data into the system to avoid such predicament in the future. WIPO will fund a project to assist CIPA with the ‘data validation’ to ensure accuracy of data in IPAS. This project is very critical as we prepare to provide the services online by the year 2018. The process to commence the project in 2017 is on-going and to date WIPO is working on identifying a company that will be engaged in taking up the project.

As one of the challenge that CIPA is facing is the issue of patents and industrial designs that have not been fully captured into IPAS. This was due to manpower shortage and CIPA is working on engaging temporary staff to complete the project of capturing all the data not captured in IPAS before the main projects of data verification and online projects start.

5.0 DOCUMENT MANAGEMENT

Electronic Document Management System (EDMS); currently the office is only scanning the front files and the process is slow because of manpower shortage.

In an effort to deal with the issue of manpower shortage, CIPA is strategically devising an approach to address the manpower shortage in order to clear the backlog and ensure continuity of the EDMS.

WIPO assisted with the scanners and computers that are currently used in EDMS project.

6.0 ONLINE SERVICES

Currently CIPA does not provide for online services. CIPA website was launched in 2015 as a way to provide to information to the public about the services of the organization. However, the IP Office Business Solutions Division (IPOBSD) in WIPO has identified Botswana IP Office to be the IP Model Office. The main aim of the project is to increase national participation in creativity and innovation activities in Botswana. It is intended to expose the stakeholders to industrial property services by providing e-services. The project was proposed in 2015 and expected to be fully functional in 2018.

7.0 WORKSHEET

GOALS	TARGET DATES	ACTIONS	WIPO SUPPORT
1. To design and configure workflows of the below modules into IPAS: Traditional Knowledge Geographical Indication Integrated Circuit Copyright	TBD	Build capacity in designing and incorporating the workflows and modules in IPAS	To provide the skills transfer to the IPAS Focal persons To engage the IPAS Focal persons when designing and incorporating the modules in IPAS
2. To provide for online registration WIPO Publish ARIPO Member State	2018	Review the Industrial Property Law Verify data in IPAS	To provide financial & technical to ensure online registration commences

module		Build capacity Intensify awareness Provide Infrastructure	
3. To Capture all the patents and industrial designs into IPAS	2017	Finalise the capturing of all the patents and industrial designs into IPAS	To provide funding for a project to employ temporary staff to augment manpower shortages to complete the capturing
4. To complete the digitization project (Electronic Document Management System, EDMS)	TBD	Complete scanning all the back file and move to the next stage	To provide technical assistant to complete the project
5. Publication of the journal online	2018	Review the Industrial Property Law Verify data in IPAS Build capacity Intensify awareness Provide Infrastructure	To provide financial & technical to ensure online registration commences