



BASIC NOTIONS OF INTELLECTUAL PROPERTY RIGHTS

A PAPER PRESENTED AT THE
HIGH LEVEL MEETING FOR MEMBERS OF PARLIAMENT
OF THE AFRICAN REGIONAL INTELLECTUAL PROPERTY
ORGANISATION (ARIPO) MEMBER STATES

25/03/2015 at Commonwealth Resort Munyonyo

WHAT IS INTELLECTUAL PROPERTY(IP)/THE CONCEPT OF CREATIVITY AND INNOVATION

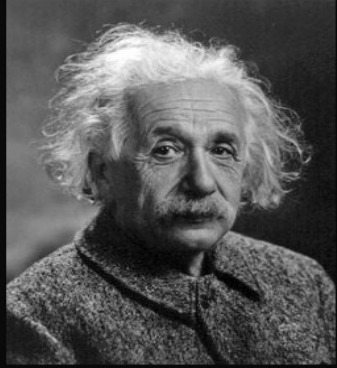


IP?

- Intellectual property is property that originates from the mind(This statement is almost obvious because every bit of creation by man has began in the mind)
- An idea is conceived and reduced to material form. Some ideas however might be reduced to intangible(unfeelable) forms.

IP?

- Co-creation by man and animal began immediately God ended creation. since then, man has re-invented his environment through creation and discovery. This creativity starting with very humble and convenience origins escalated from 1760, and has now exploded into the phenomenon of industry innovation and creativity.



The human mind has first to construct forms,
independently, before we can find them in
things.

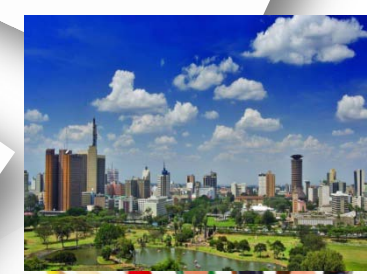
(Albert Einstein)

izquotes.com

IP?

- Today creativity and innovation are everywhere so that they have become part of daily life. Every day we use things made by man, but many people in the world would forget that all the things we use in everyday life have a human mind and hand behind them.

**What has man co-
created/invented/improved**



4/3/2015

Co-creation

- Everything seen in the previous slide is Intellectual Property itself. It has originated from the mind. It shows the transformation of human society and the result of creativity and innovation. It should then be observed that even the smallest item of artificiality(a bead, a thread)had a thinking mind behind it, a concept, a design before it came into being.

IP?

so is IP only about
creation and
invention?



- IP goes further than just being creativity from the human mind, the concept of IP also requires that those who create, benefit! Let the minds that have gone into creativity and innovation get rewarded for it

IP?

- Today, more and more, man is pushing for a benefit from his creation and innovation. It should also be known that since the co-creation of man, all his creation has been used by his fellow man in one way or the other sometimes giving off exploitation with no benefits. IP encourages Societies to,

CREATE! RECOGNISE! BENEFIT!

TYPES OF IP

- IP has various types due to the wide and far reaching inventions, innovations and creativity of man. All human creativity and innovation has a particular field of IP in which it falls. The following are among the most common fields of IP:
 - ✓ Trademarks/service marks
 - ✓ Patents
 - ✓ Designs
 - ✓ Geographical Indications
 - ✓ Traditional Knowledge and expression of folklore

Types of IP

■ Trademarks/ Servicemarks

These are symbols and labels that identify and distinguish goods and services. They are on every product. The idea is that everyone is manufacturing that particular product or doing that particular service, so there is necessity to distinguish.

trademarks



trademarks

- If a mark becomes so powerful to acquire global recognition, it becomes a brand e.g
- Apple, DHL, Swatch, McDonald's, Benz, Manchester United, Chelsea, Arsenal, Barcelona, Sony, Azam, Omo, Royco, Mukwano, House of Manji, House of Dawda, café Javas, Splash, Riham, EXE, Airtel, Safaricom, MTN, Uganda Waragi, Tusker, Nation, Bukedde, etc

Types of IP

- **Patents**

Patents deal with coming up with something absolutely new that can be used in industry and manufacture. A patent has to be applied. You must be the first to event/come up with what you are claiming. e.g a spring and mobile chair/office chair, a retracting mirror, a paper punch, a box file, preservatives, shock absorbers etc

Patents



Types of IP

- **Designs**

Design is the unique outer appearance of a product. Design more often than not is physical. Not only is design unique, it is also beautiful and attractive. Some designs have turned into trademarks for their products. Designs can be seen everywhere: bottles, shoes, clothing, cars, cups et al.

Designs



Designs



Types of IP

- **Geographical indications(GIs)**

Geographical Indications(GI) is **“Made in”**:

Made in Kenya, Made in South Africa, Made in Italy, Made in GB, made in USA.

Countries have become brands and their names sale. A product made in a particular country will be yearned for more than the same product made in other countries.

GIs

- To be more precise, sometimes GIs look at a particular product originating from a particular region of a country which confers upon it qualities not in other products of the same type.

Consider the crafts from Kenya and those from Uganda, electricals from UK/Japan, music from Congo/South Africa, Film from America(Hollywood), Watches from Switzerland, Leather from Italy, Football from Nigeria, cars from Germany, et al

GIs





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GIs



Types of IP

- **Copyrights**

Copyright is about expression and making your expression different from what exists. Information in copyright is not original in itself but can be expressed differently from what is already in existence. e.g. songs, books, film, dance, architecture, designs, choreography, paintings, photography, engraving, Images(personal pictures)et al

Copyright



Copyright



Types of IP

- **Traditional Knowledge and expressions of folklore**

These are expressions found in our traditional societies like song, dance, poetry, the way of doing things, medicines et al. Traditional knowledge also includes genetic resources that are unique to that area such as plants.

TK

Olubugo (barkcloth)



Olubugo



Can Africa create/does Africa have a creative mind/is Africa innovative?



can Africa create?



IP IN OUR ENVIRONMENT

Our environment is full of creativity, however almost all of it is still in the informal sector i.e with very little or no attention from Government and its Institutions(Parliament).

Without Government involvement, we shall not benefit much from the creative minds of our environment.

IP in our environment



IP outside our environment



IP in our environment

With the above examples, I have tried as much as possible to be closer to home. For every aspect of IP, Africa is represented. The fact that we use creativity coming from outside the continent only shows how much we are ignoring our own creativity and in the process supporting the innovation and industry of others. Eventually the two images of the outgoing two slides will remain factual in the circumstances.

ROLE OF PARLIAMENT IN FOSTERING IP

- Understand/appreciate Intellectual Property as a subject, as a way of doing business(*what is IP*) and its ability to transform society through economic realisation
- Make/debate laws that encourage creativity and protect it for the benefit of creators and Society. IP is more than the benefit of the individual but the benefit of Society
- Sensitise your constituencies about IP
- Identify creativity in your constituencies and bring it to the attention of the National IP Office. It is there!
- Encourage the Government to protect National IP assets like GIs(branding countries, identifying advantages), genetic resources, culture etc
- Bring to the attention of Government the economic potential that IP has.

Conclusion

Creativity can transform any Society. We have to recognise it, foster it and protect it!

Asanteni!

Mwebale nnyo!

Thank you!

Merci beaucoup!

Murakoze!

Khanimambo!

Tenki!

Tatenda!

Tatu mu pandura unene!

Yeda moase!

Ngiyabonga!

Rona re a leboga ka!



KALIBBALA NYANJA PHILLIP

**SENIOR REGISTRATION OFFICER,
INTELLECTUAL PROPERTY
UGANDA REGISTRATION
SERVICES BUREAU**

