



ARIPO

*African Regional Intellectual
Property Organization*

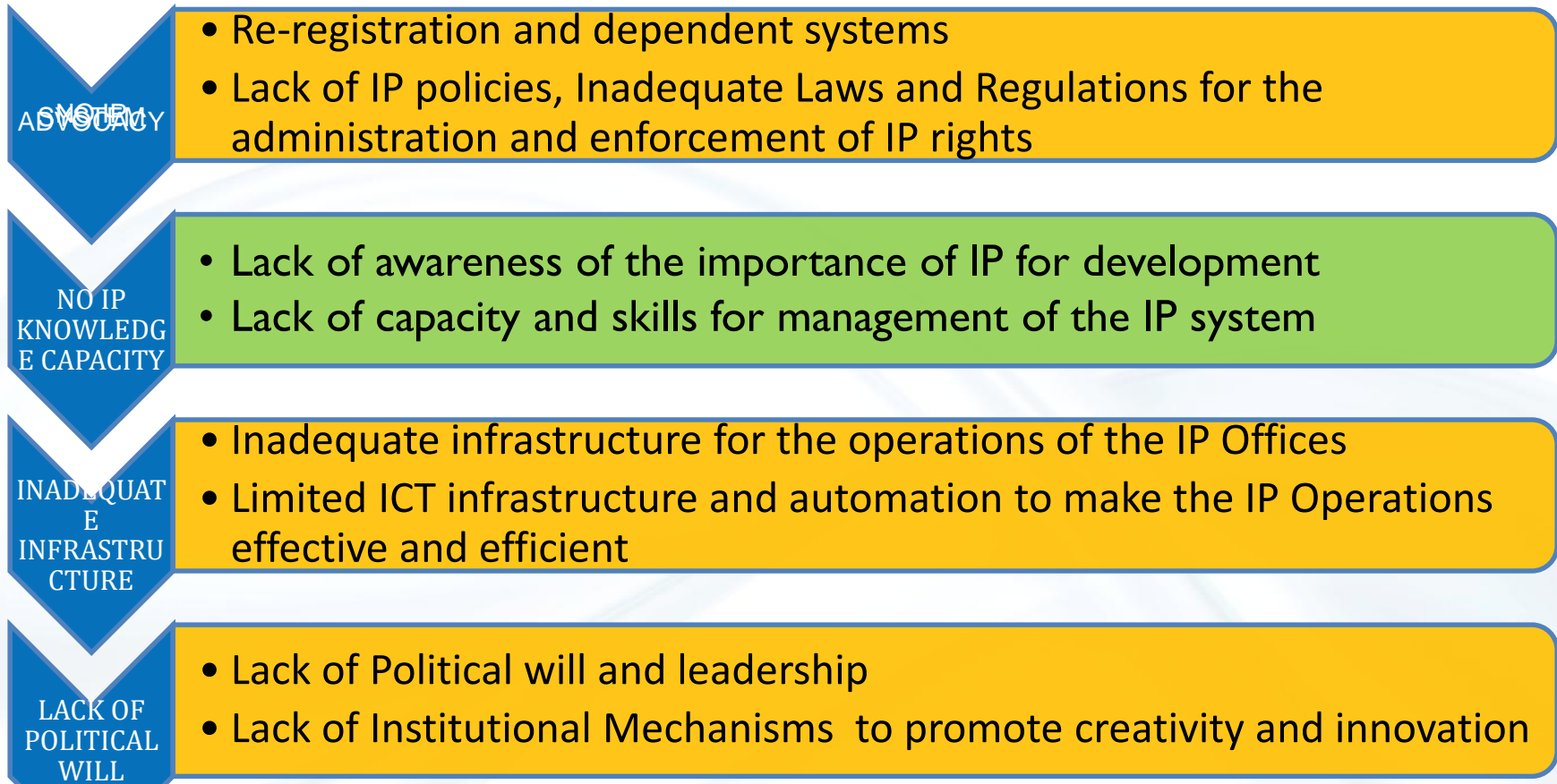
THE ROLE OF THE REGIONAL ORGANIZATIONS IN PROMOTING THE EFFECTIVE USE OF THE IP SYSTEM IN AFRICA

Emmanuel Sackey
Intellectual Property Development
Executive



Fostering Creativity and Innovation for Economic Growth and Development in Africa

POST INDEPENDENCE CHALLENGES FACED BY AFRICAN COUNTRIES IN THE ADMINISTRATION AND UTILIZATION OF IP





SHAPING THE AFRICAN IP LANDSCAPE
FOR SOCIO-ECONOMIC
TRANSFORMATION



Fostering Creativity and Innovation for Economic Growth and Development in Africa

About OAPI

- ✦ **OAPI:** African Intellectual Property Organization
- ✦ **Established:** September 13, 1962 [as African and Malagasy Office for Industrial Property (OAMPI)]
- ✦ **Instrument of creation:** Libreville Agreement
- ✦ **Headquarters:** Yaoundé, Cameroun
- ✦ **Member States (17):** Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Equatorial Guinea, Gabon, Guinea, Guinea Bissau, Ivory Coast, Mali, Mauritania, Niger, Senegal, and Togo

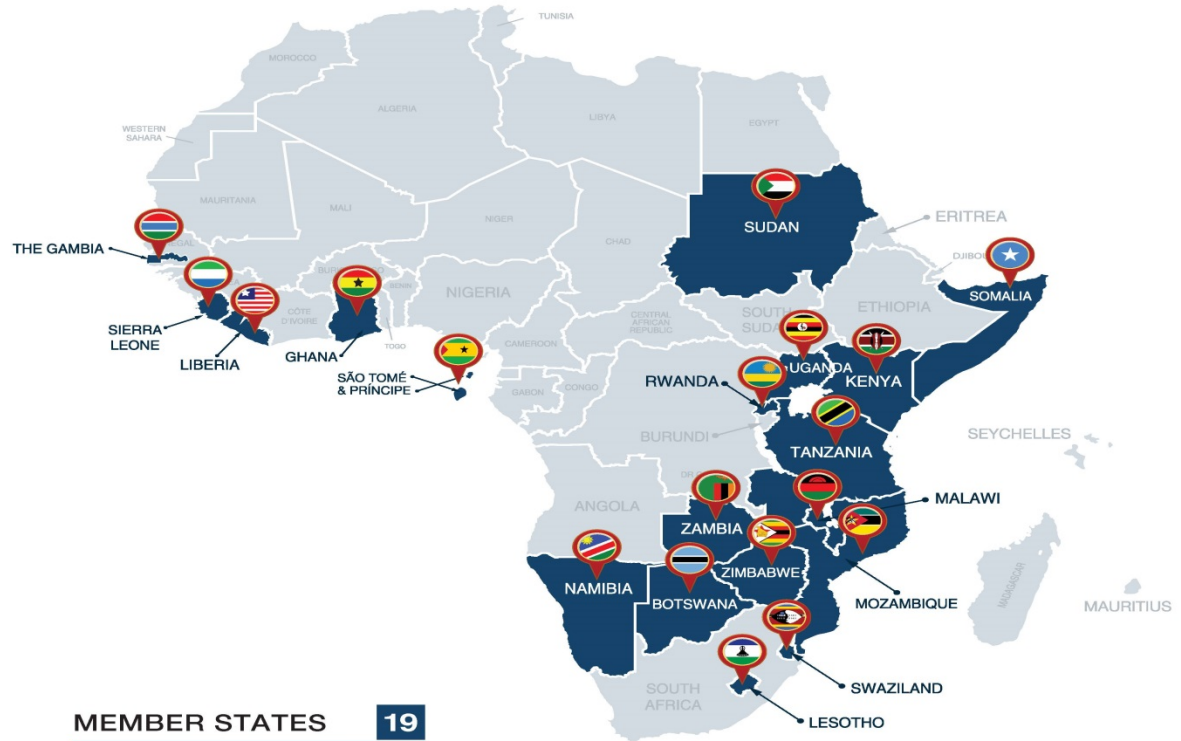


- Botswana
- Gambia
- Ghana
- Kenya
- Liberia
- Lesotho
- Malawi
- Mozambique
- Namibia
- Rwanda
- Sao Tome & Principe
- Sierra Leone
- Somalia
- Sudan
- Swaziland
- Tanzania
- Uganda
- Zambia
- Zimbabwe

= 19

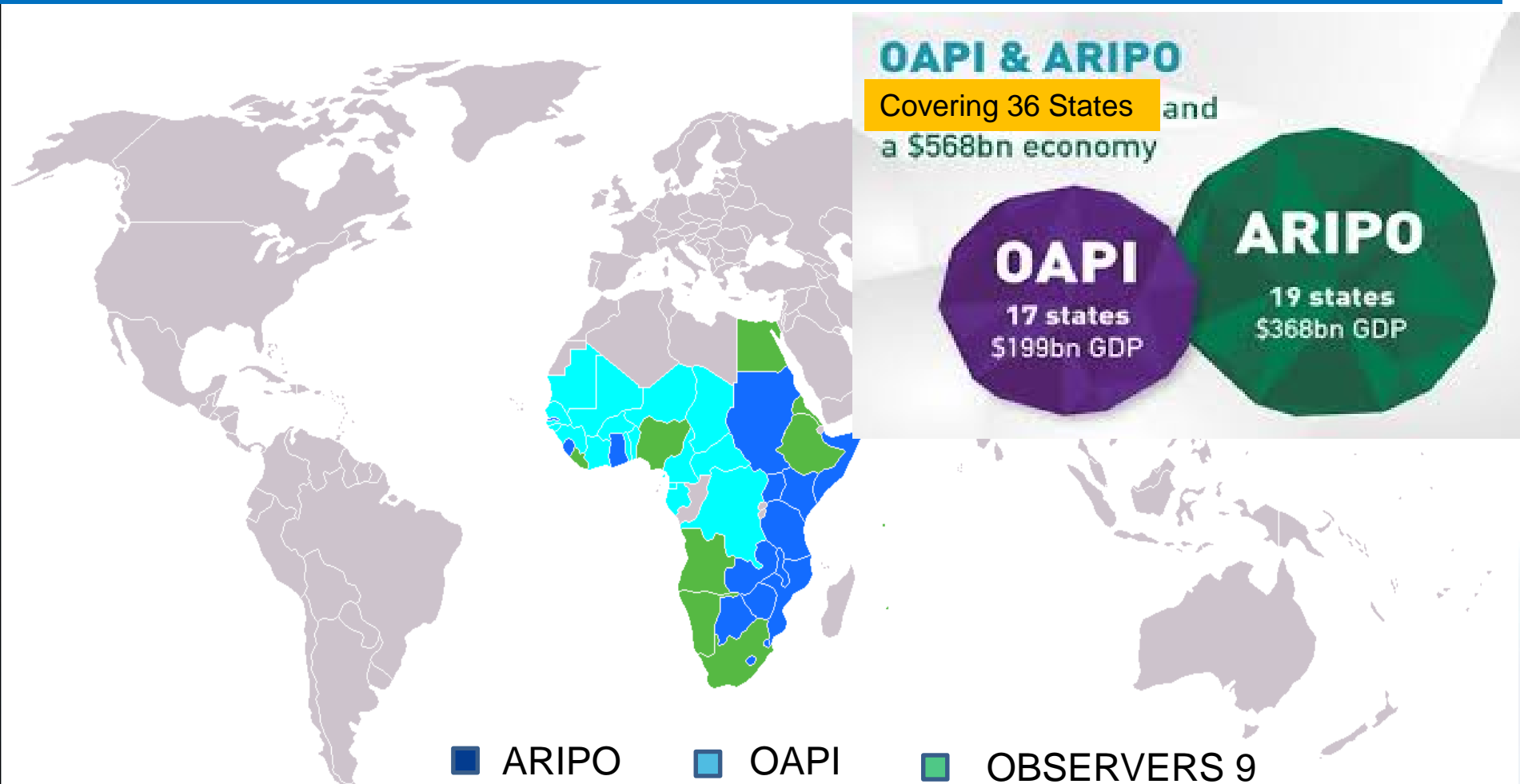


ARIPO MEMBER STATES



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REGIONAL IP OFFICES COVERAGE



We cover **65%** of the geographical area of Africa and together with observer states – **82%** of Africa



Fostering Creativity and Innovation for Economic Growth and Development in Africa

.....Our Mission



**IP
Advocacy
and
Norm
Setting**

**Providing
Premier
IP
Services**

**Capacity
building
and
awareness
creation**

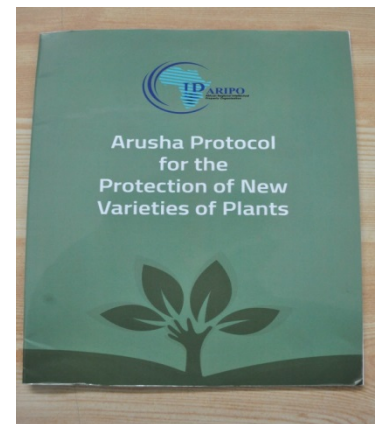
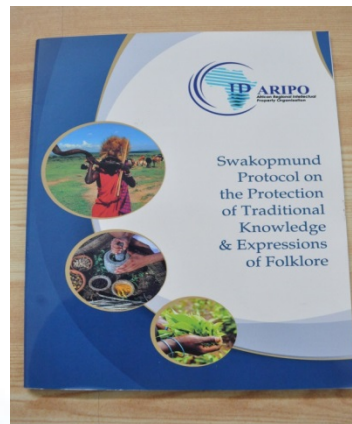
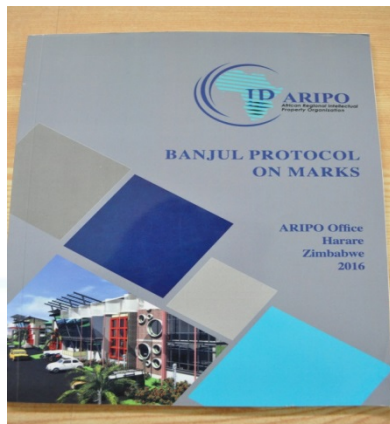
**Development
of ICT Tools
for IP business
processes**

**Enhancing
the IP
Ecosystem**



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DEVELOPMENT OF ARIPO LEGAL INSTRUMENTS AND POLICIES



Patents

Utility Models

Industrial Designs

Trademarks

Traditional knowledge and Folklore

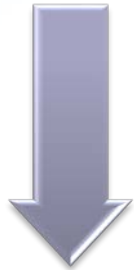
New Varieties of Plants



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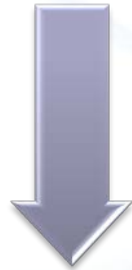
OTHER ARIPO MANDATES

**Council of
Ministers
Resolution**



COPYRIGHT

**Policy
Guidelines
on Access &
Benefit
Sharing**



**Genetic
Resources**

**Roadmap
for
Draft Legal
Framework**



**Geographical
Indications**

FACILITATION OF NORM-SETTING AND POLICIES AT ARIPO

- **Technical Committees**

 - Technical Committee on Industrial Property (TCIP)

 - Technical Committee on Plant Variety Protection (TCPVP)

 - Technical Committee on Copyright and Related Rights (TCCR)

- **Administrative Committees**

 - Finance Committee (FC)

 - Human Capital Committee (HCC)

 - Audit Committee ADC)

- **Administrative Council**

- **Council of Ministers**

- **Review of National Policies and Laws**

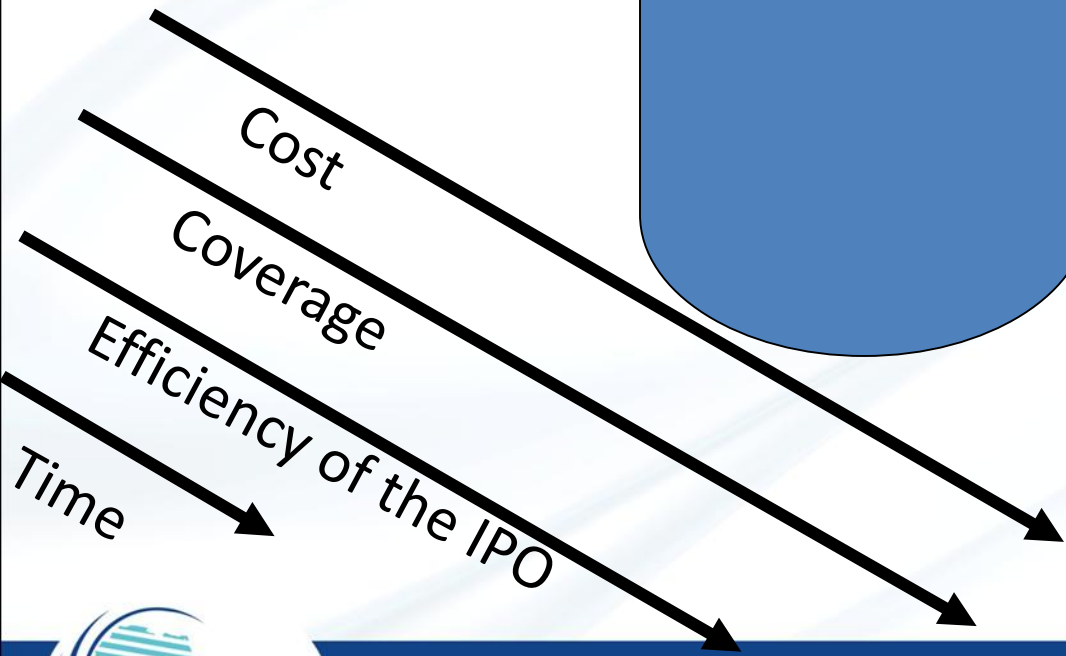
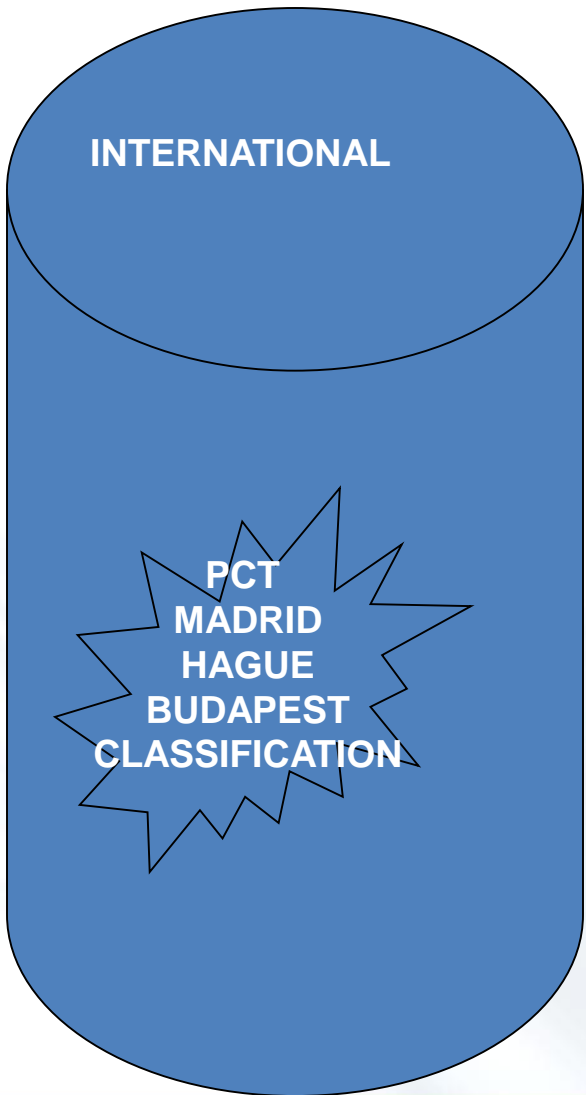
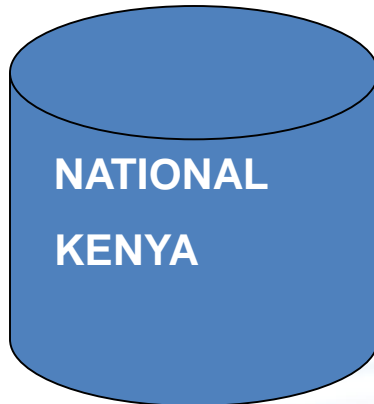


PROVIDING PREMIER IP SERVICES

- Registration of IP rights
- Industrial Property Information Services
- Patent Maps, Monographs and Indicators



THE IP SYSTEM



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Grant/Registration Procedure under the ARIPO Protocols

FILING AND FORMALITY EXAMINATION

SUBSTANTIVE EXAMINATION

GRANT, RECORDAL AND PUBLICATION

PAYMENT OF ANNUITIES

Processing Period - Average

- Patents – 27 months)
- Utility Models – 12 months
- Trademarks – 15 months
- Designs - 12 Months



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ANATOMY OF PATENT SPECIFICATION

Title of Invention

Background of Invention

Objects of the Invention/Brief Description of the drawings

Summary of the Invention

Complete Description of the invention

Claims of the Invention

Drawings

Abstract of the invention

Detailed Description

<Embodiment>

Structure

Function

Effect

SPECIFICATION

ONLINE SERVICES

Polite +: From 2015

ARIPO ONLINE SERVICE

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E-SERVICE
IP DIGITAL LIBRARY
JOURNAL
INFORMATION

Quick Search
Find patents online with basic keyword, inventor or numbers.

Journal
View and download online Journals published by ARIPO.

E-Forms
Download standard forms you need for acquisition of IP rights.

User Guide
Learn how to use e-Service, IP Digital Library, and e-Journal.

Publication Server
Search contents of the ARIPO Journal.

Online Filing
File an application and follow-on documents through e-Service.

Most Popular Form

- Form 3
Request for grant of patent, registra...
- Form 28
Request for registration of industrial...
- Form No. M 1
Application for Registration of a Mark
Read more >

Most Popular Journal

- Vol. version_01
AP_2014
- Vol. version_02
AP_2014
- Vol. version_03
AP_2015
Read more >

Notice

- Current Issues: Informal Sector
12.01.2015
- Awareness Low
12.01.2015
- ARIPO ANNUAL SESSION OF TH...
12.01.2015
Read more >

This system has been implemented by the grant of the government of the Republic of Korea.

KOICA
WORLD FRIENDS KOREA

- Accessible to public
- State of the Art Searches
- E-filing
- Online payment(e-payment)
- Access IP Journals
- IP Forms
- Fees
- Information on IP ARIPO Services
- Regional Databases

<http://regionalip.aripo.org>



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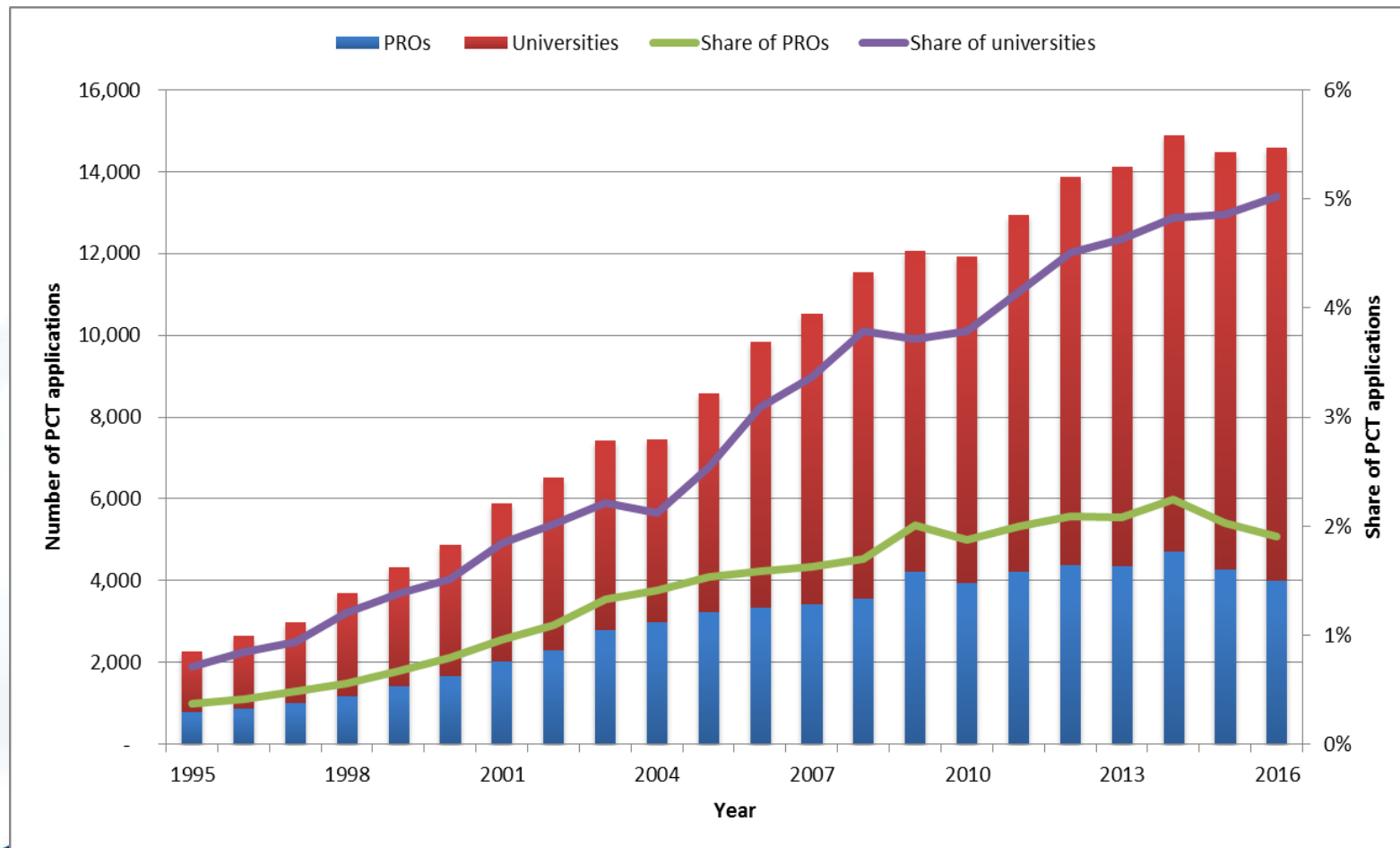
IP RIGHTS PROTECTED THROUGH ARIPO ROUTE

IP Rights	Applications 1984–2016	Global Applications– 2016
Patents	10663	3.1 million
Utility Models	120	1.6 million
Industrial Designs	1272	1.2 million
Marks	3319	9.8 million



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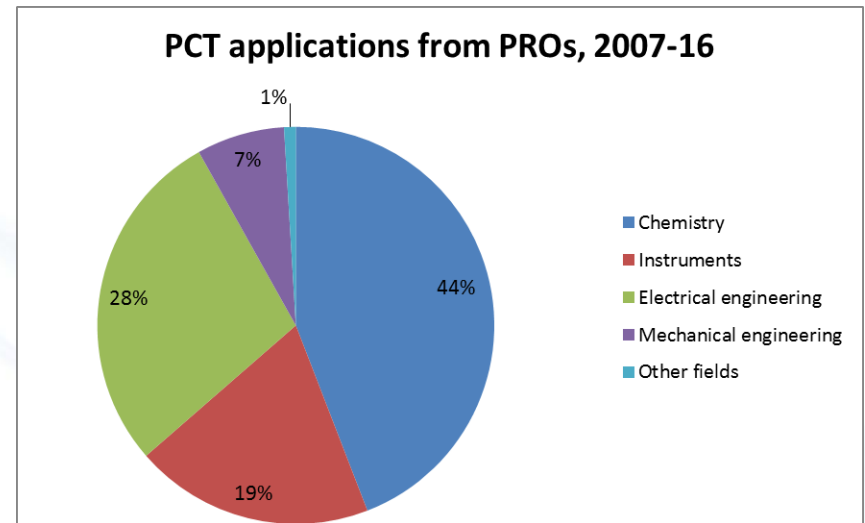
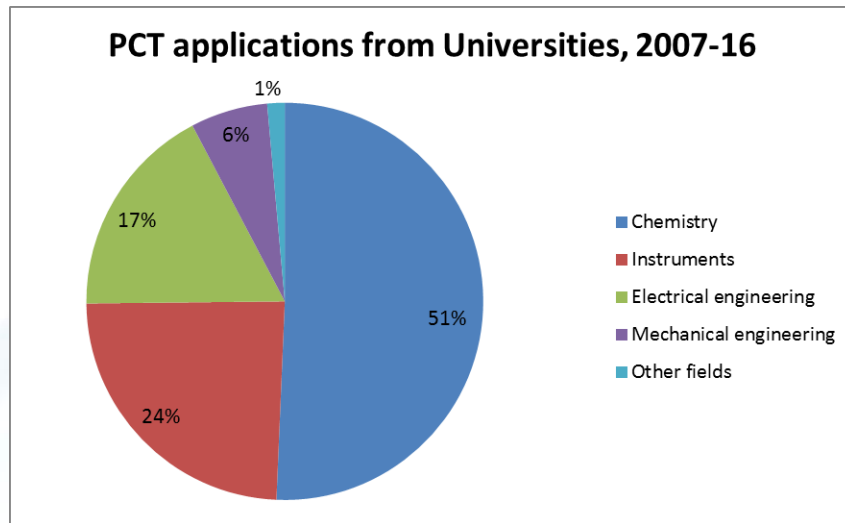
PRO and university PCT applications, absolute numbers (left) and as a percentage of total PCT applications (right), 1995-2016



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Source: WIPO Statistics Database, July 2017

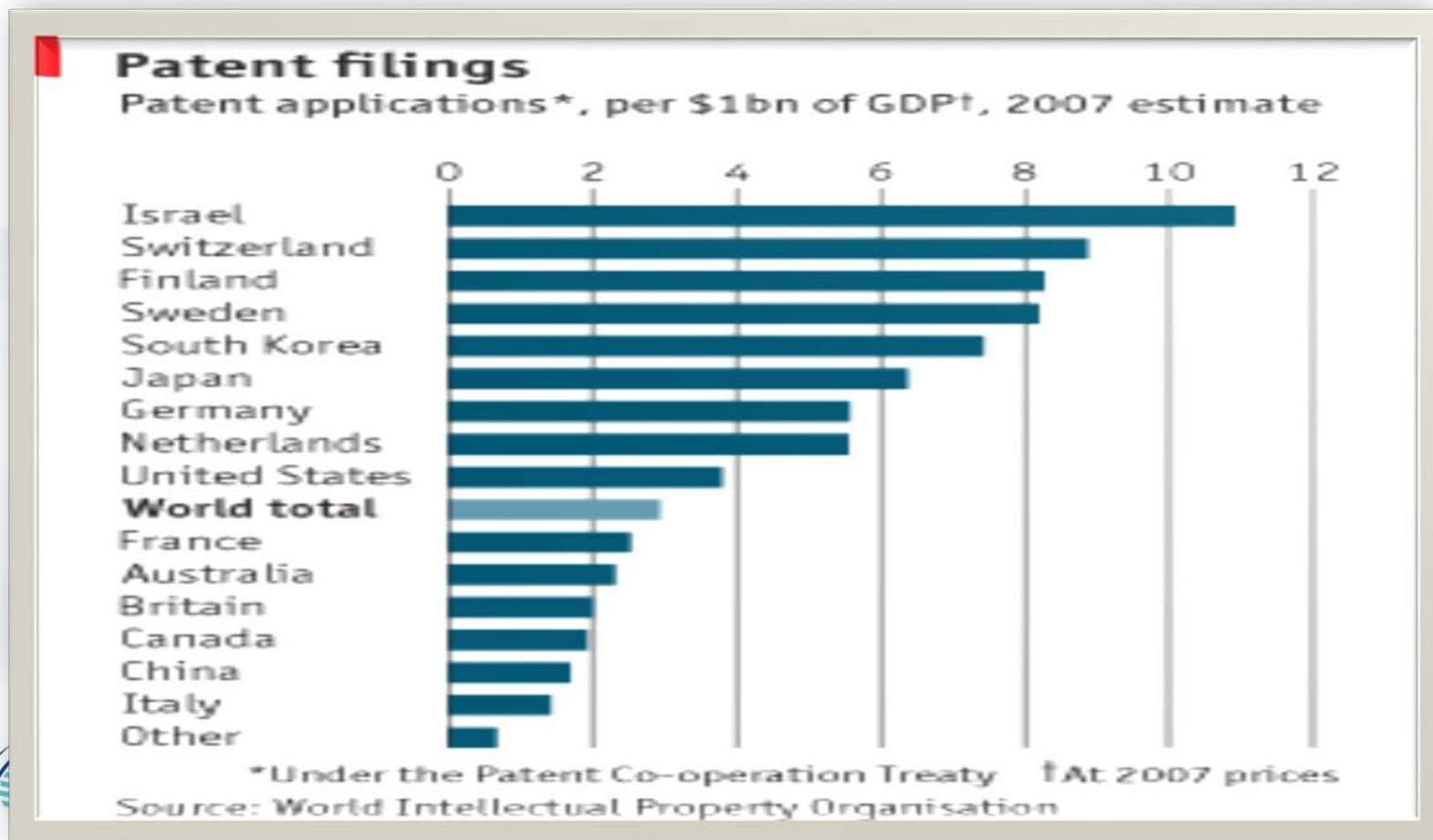
Distribution of PCT applications by technology sector, 2007-2016



In 2016, universities filed the largest number of PCT applications in the fields of pharmaceuticals (15 percent), biotechnology (13 percent) and medical technology (10 percent)

The top three sectors for PROs accounted for 92 percent of their total filings

OECD: Israel has the highest percentage of patents in the region:
Israel is ranked 6 globally for patents per GDP and 8th for patents per capita.
Israel is the first country in the world to implement IP policies in several of its universities



The Hebrew University of Jerusalem

- 4 Campuses
- 5 Affiliated Hospitals
- 4,420 Research Projects
- >100 Research Centres
- 320 Researchers in Applied Sciences
- 1,600 Post-Graduate Students in Biotechnology
- 1,000 Researchers (Staff Members)
- 24,000 Students

- Over 1/3 of all academic scientific research In Israel
- 43% of Israel' s biotechnology research



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Reuters cited the Hebrew University's technology transfer company, Yissum Research Development Company, as bringing students' and researchers' technologies and discoveries to market. Yissum boasts 10,000 registered patents covering 2,800 inventions, more than 900 licensed technologies, and 125 startups launched.

University President Statement

“We are gratified by this recognition of the Hebrew University's innovation leadership,”. More than half a century ago, we established Yissum to turn breakthrough academic research into commercial applications.”

“Today, this culture of innovation continues through the efforts and excellence of our students, faculty and staff, whose work is creating a better world for people everywhere.”

Reuters, 2017

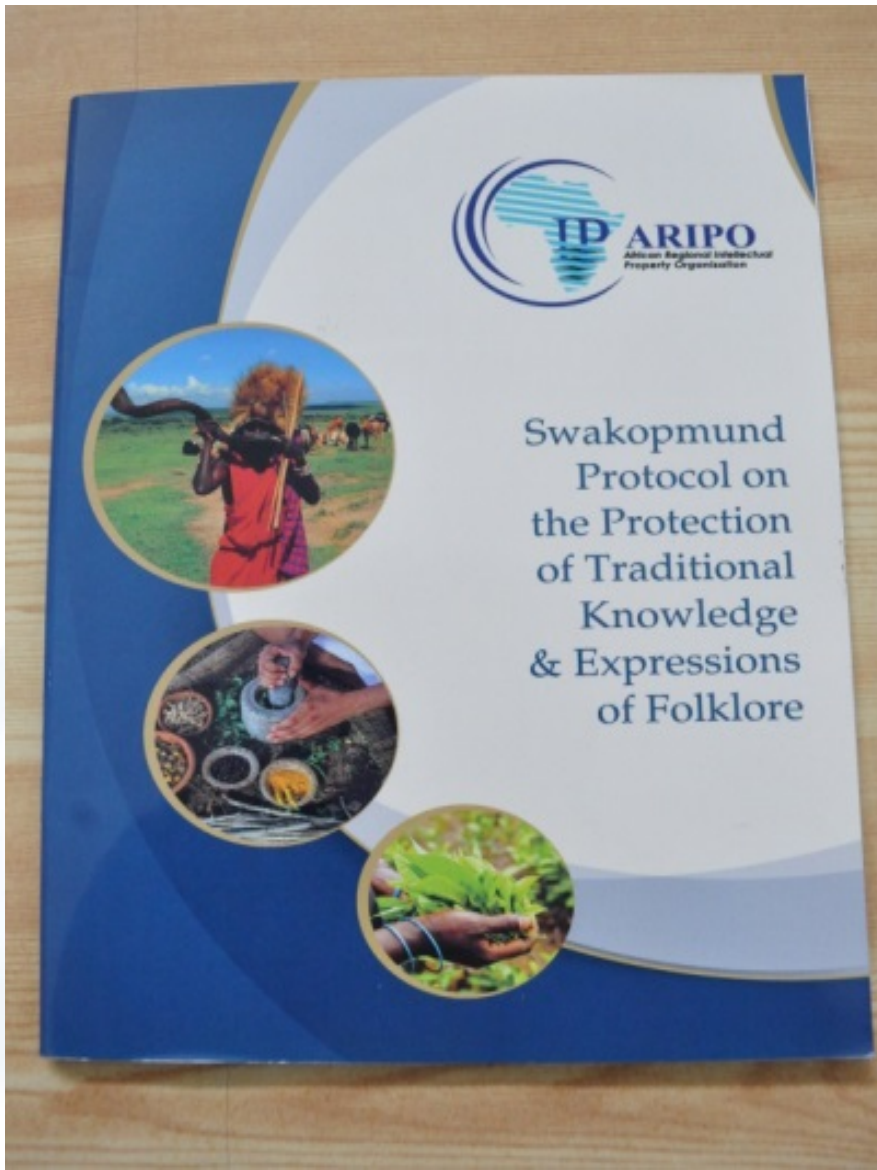


Yissum's Spin-offs



Purpose of the Protocol

- The Protocol seeks to empower custodians and holders of TK and TCEs to use their knowledge for socioeconomic development and wealth creation.
- help to curb bio-piracy;
- preventing illicit claims being made in patent applications relating to TK-based inventions;
- enabling the registration of TK and TCEs,
- providing a framework for national legislative developments on the protection of these resources.





GHANA

BUSINESS & FINANCE

NOVEMBER 2015 / ISSUE 054
GHG10.00

Ghana's economic woes linger on despite 5 years of oil production

Dr Kwabena Adjei:

Kasapreko King proves African ingenuity



ISSN	2248-9622
ISSN-E	2542-4302
ISSN-L	2542-4302
ISSN-X	2542-4302
ISSN-W	2542-4302
ISSN-I	2542-4302
ISSN-M	2542-4302
ISSN-N	2542-4302
ISSN-O	2542-4302
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KASAPREKO

...a step beyond excellence

Putting Local Herbs on the International

P \$70 million state-of-the-art factory built by Kasapreko Company Limited and has the capacity to produce over 110, 000 bottles of beverages and water per hour.



NOLLYWOOD

Nigerian's movie industry, Nollywood, is a certified \$5.1 billion (£3bn) industry and along with other star performing sectors like music, telecommunications and Information technology, combined to muscle Nigeria's economy into a \$509.9bn (£307.6bn) powerhouse thereby over taking South Africa has Africa's largest basin of economic activity.

The figures validated by the IMF and World Bank captured Nollywood under "Motion pictures, sound recording and music production valuing the Country's vast new entertainment sector at \$55bn (£33bn). This sector is one of thirteen new activities that have just been included in Nigeria's new GDP figures.

Employs
over
1million
Nigerians
and
generates
US\$500,000/
yr

For Nollywood and the Entertainment sector to reach a value of \$55bn in just over twenty years is nothing short of a miracle, especially if you consider that the sector has been mainly driven by very small private sector organizations and received little to no support from Government.

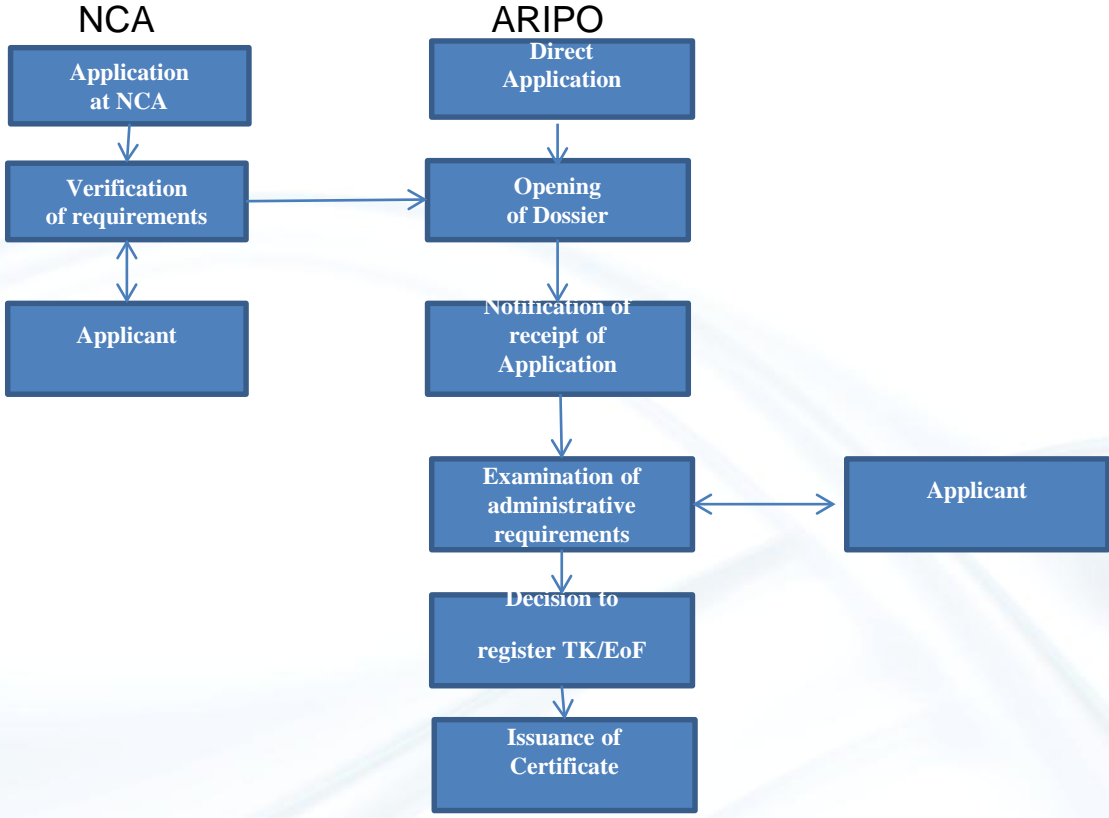


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MARINE GENETIC RESOURCES

Workflow for the Registration of Traditional Knowledge and Expressions of Folklore within the Framework of the Swakopmund Protocol



INFORMATION THAT WILL BE COLLECTED

- **Description of the knowledge**
- **Composition/Formulations**
- **Methods/Processes employed**
- **Analysis undertaken including experiments and trials**
- **Drawings and diagrams/images of raw materials used including plants/plant parts/animal parts/minerals**
- **Location of raw materials, manufacturing plants and places of practice**
- **Application/Uses**
- **Dosage Administration**
- **Inexplicable components (where applicable)**
- **Other relevant information**



BENEFITS OF THE PROTOCOL

- The Protocol seeks to empower custodians and holders of TK and TCEs to use their knowledge for socioeconomic development and wealth creation. It also promises other benefits, including:
 - helping to curb bio-piracy;
 - preventing illicit claims being made in patent applications relating to TK-based inventions;
 - enabling the registration of TK and TCEs,
 - providing a framework for national legislative developments on the protection of these resources.
- ARIPO's member states adopted a resolution at the Diplomatic Conference that called for the **development of national legislations** and **concrete plans of action** to ensure TK continues to serve the needs and aspirations of traditional and local communities



BENEFITS OF THE PROTOCOL

- The Protocol seeks to empower custodians and holders of TK and TCEs to use their knowledge for socioeconomic development and wealth creation through **registrations** and **documentation** of the knowledge
- To curb bio-piracy preventing illicit claims being made in patent applications relating to TK-based inventions
- Address the protection of Trans-boundary TK/TCEs
- Provide a framework for national legislative developments on the protection of these resources.

TRADITIONAL KNOWLEDGE STRUCTURING AND CLASSIFICATION (TKRC)

A - TRADITIONAL MEDICINE

- Herbal Medicine (Producers and Sellers)
- Bone setting
- Traditional psychiatry
- Traditional Birth Attendants (TBA)
- Occultism
- Divination
- Therapies (hydro/aromatherapy)

B - TRADITIONAL ECOLOGICAL MANAGEMENT SYSTEMS

C - HANDICRAFTS/ARTIFACTS

D - RITUALS/CEREMONIAL PRACTICES/FESTIVALS (Sacred/secret)

E - ARCHITECTURE, BUILDINGS AND PAINTINGS

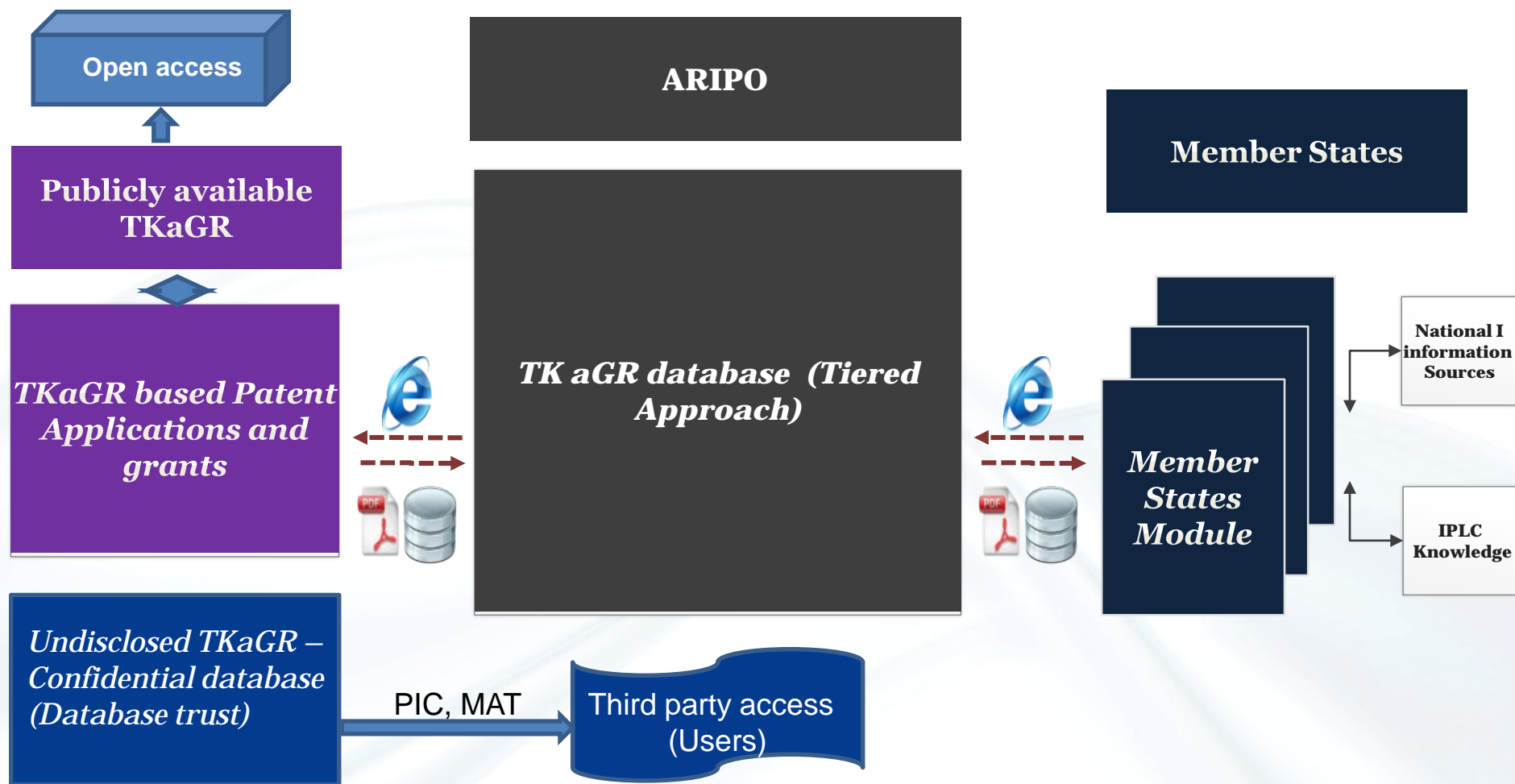
F - HUMAN NECESSITIES (TEXTILES, FOODS etc)

G - ASTROLOGY

H - FOLKLORIC WORKS



ARIPO's differentiated (Tiered) approach to database construction



USE OF TRADEMARKS



“... certification trade mark used in relation to authentic Maori creative arts has caused the Maori cultural industry to flourish.”

Maori leader, September 2005



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Geographical Indications protection in China

GI protection system from 1999 in China;

About over **500 products** protected by GI, including alcohols, teas, fruits, traditional artifacts, food, medical drugs etc.

About **4000 companies** approved for using these special badges;

About over **500 billion RMB** Market value protected by GI in China



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WIPO IGC PROCESS - CROSS-CUTTING ISSUES

- Common operative definitions
- Policy Objectives
- Common definition of terms in the operative texts
- Scope and eligibility criteria
- Scope of protection, exceptions and limitations
- Beneficiaries
- Relationship with public domain
- Sanctions, remedies and exercise of rights
- Administration of interest
- Nature of international enforcement of rights in foreign jurisdictions on the basis of foreign treatment

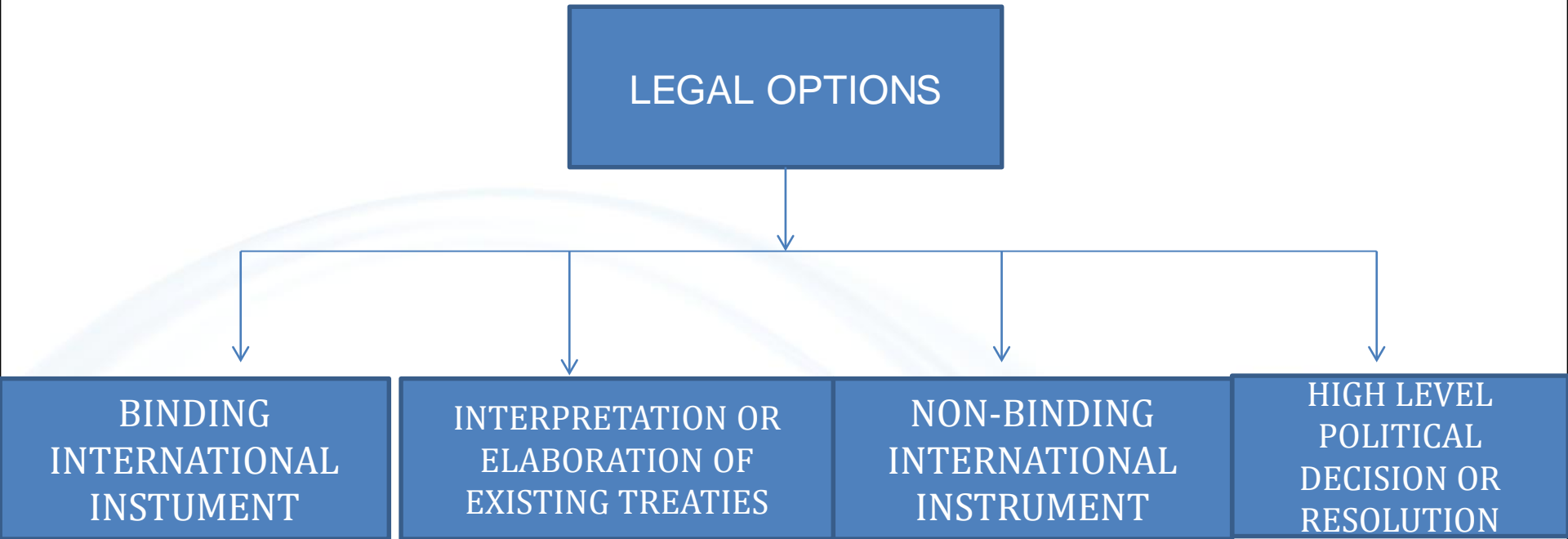


SUBJECT MATTER OF PROTECTION

- **Secret TK** - TK that is held by beneficiaries under certain measures of secrecy, in accordance with customary law, and under the common understanding that the traditional knowledge is to be used and known only within the specific group.
- **Sacred TK** - TK that in spite of being secret, narrowly diffused, or widely diffused, constitutes part of the spiritual identity of the
- **Narrowly diffused TK** - that is shared by beneficiaries amongst whom measures to keep it secret are not taken, but is not easily accessible to non-group members
- **Widely diffused TK** - which is easily accessible by the public but is still culturally connected to its beneficiaries' social identity



LEGAL CHARACTER OR NATURE OF THE OUTCOME



FEE STRUCTURE UNDER THE ARIPO PROTOCOLS



Fostering Creativity and Innovation for Economic Growth and Development in Africa

Fee Structure under the Harare and Banjul Protocols (Quoted in US dollars)

Kind of Fees	Patents	Trademarks (BANJUL)	Designs	Utility Models
Application Fee	290 (paper) 232 (e-filing)	100 80	50 40	100 80
Designation fee /state	85/State	50 +10/additional class	10	20
Search Fee	300	-	-	-
Examination Fee	300	-	-	-
Publication fee	350	100+50/additional class	75	50
Grant fee	350		-	-
Annual Maintenance fee per state	50/state and increases by \$20 until 15 th year. Thereafter \$50		10+2 until 6th year. Thereafter \$4	\$20+5 until 7 th year thereafter \$10
Surcharges	Apply	Apply	Apply	Apply

Fee Structure under the Swakopmund Protocol for the Protection of Traditional Knowledge and Expressions of Folklore

- US\$50 for application fee
- US\$50 for registration fee
- US\$ 100 for consultation of register for R&D



Proposed Fees under the Arusha Protocol

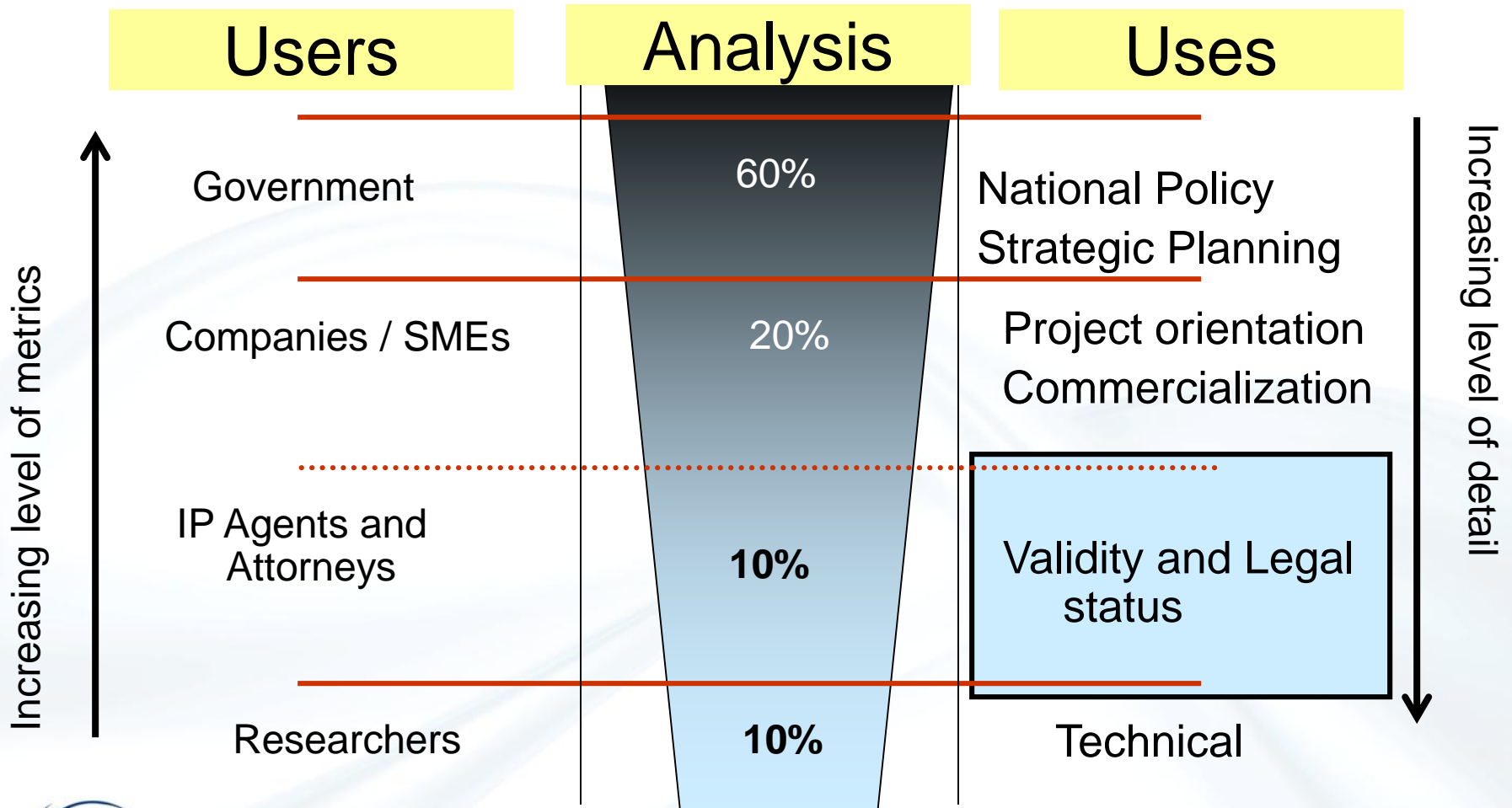
Type of Charges	Fees (USD)
Application for grant of plant breeders' rights	450
Transmittal Fee	50
Application for surrender of grant	50
Application for opportunity to make representations	150
Technical evaluation of a variety (DUS)	800
Grant of plant breeders' rights certificate	250
Duplicate copy of the register or other document	1 per page
Annual fees for maintenance of grant	300
Purchase of a report from a testing authority of another country	320
Replacement of lost or destroyed certificate	50
Claim of priority from a preceding application	50
Change of an approved denomination	100
Surcharge of late payment	100
Transfer/ Assignment Fee	50
Fees for Objection	250
Extension of Time Limits	50
Designation fee per Designated state	100
Certified Copies	10
Correction of errors	10 for the first 25 errors and 2.50 for subsequent errors
Change of an agent or representative	50

SEARCH SERVICES



Fostering Creativity and Innovation for Economic Growth and Development in Africa

Users, Uses and Levels of Use



CAPACITY BUILDING:ARIPO IP ACADEMY

✳ **Establishment of the ARIPO Regional Training Centre: February 15, 2006 (later renamed ARIPO IP Academy)**

✳ **Functions:**

- **Promote IP knowledge & development in Africa**
- **Organize Training Programs on IP**
- **Develop IP Modules and Training Courses**
- **Promote Relevant Research on IP in Africa**
- **Forge Partnership in IP research**

✳ **Main Initiatives:**

- **Awareness Creation: Seminars, Conferences**
- **Training & Professional Development on IP**
- **Masters Degree Program on IP**



MASTER DEGREE ON IP

I. **WIPO/ARIPO/JPO & Africa University MIP (12 months)**

- Date of Establishment: 2008
- Editions: 11
- Nr. of Students enrolled: 315
- Nr. of graduates: 296 from 26 African Countries

II. **ARIPO & Kwame Nkrumah University of Science & Technology (Ghana) MIP (MPhil. – 2 years)**

- Starting: August 2018
- Nr. of students enrolled: 13 from 7 African Countries

III. **ARIPO & University of Dar es Salaam (Tanzania) MIP**

- **Starting: May 2019 (MIP/LLM – 18 Months)**



ARIPO IP AWARENESS PROGRAMMES

1992 – 2018 = 122 training initiatives

Year	1992	1993	1994	1995	1996	1997	1998	1999	2000
Participants	93	192	146	101	163	0	604	0	0

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009
Participants	0	15	0	11	4	105	98	14	163

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Participants	276	274	267	212	647	1343	450	725	497

1992 – 2018 = 6399 participants



Fostering Creativity and Innovation for Economic Growth and Development in Africa

AFRICAN JOURNAL OF INTELLECTUAL PROPERTY

ISSUE	ARTICLES	MIP STUDENTS ARTICLES
Nov. 2016 (Vol. 1 Nr. 1)	6	4
June 2017 (Vol. 1 Nr. 2)	5	1
Dec. 2017 (Vol. 2 Nr. 1)	6	5
June 2018 (Vol 2 Nr 2)	5	3
TOTAL	22	13
		58.8%

- Launched in December 2016
- Published by ARIPO/Africa University
- Bi-annual Peer-reviewed Journal
- 4 issues published
- Next issue Dec 2018
- Mutare MIP graduates contributed 58.8% of the articles



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ROVING SEMINARS FOR ACADEMIC AND RESEARCH INSTITUTIONS

Objectives:

- Support development of Institutional IP Policies
- Establishment of Innovation/Technology Transfer Office
- Awareness creation among students and researchers
- Promote establishment of linkages with industry



ROVING SEMINARS FOR ACADEMIC AND RESEARCH INSTITUTIONS

Dates	Country	Number of participants
13 to 14 June 2017	Sierra Leone	100
July 12-13, 2017	Zambia	75
August 28-29, 2017	Swaziland	120
November 2 -3, 2017	Rwanda	84
Total		379

Dates	Country	Number of
March 26-27, 2018	Zimbabwe	101
May 7-8, 2018	Liberia	127
June 19-20, 2018	Namibia	58
July 5-6, 2018	Botswana	81
July 26-27, 2018	Mozambique	83
Total		450



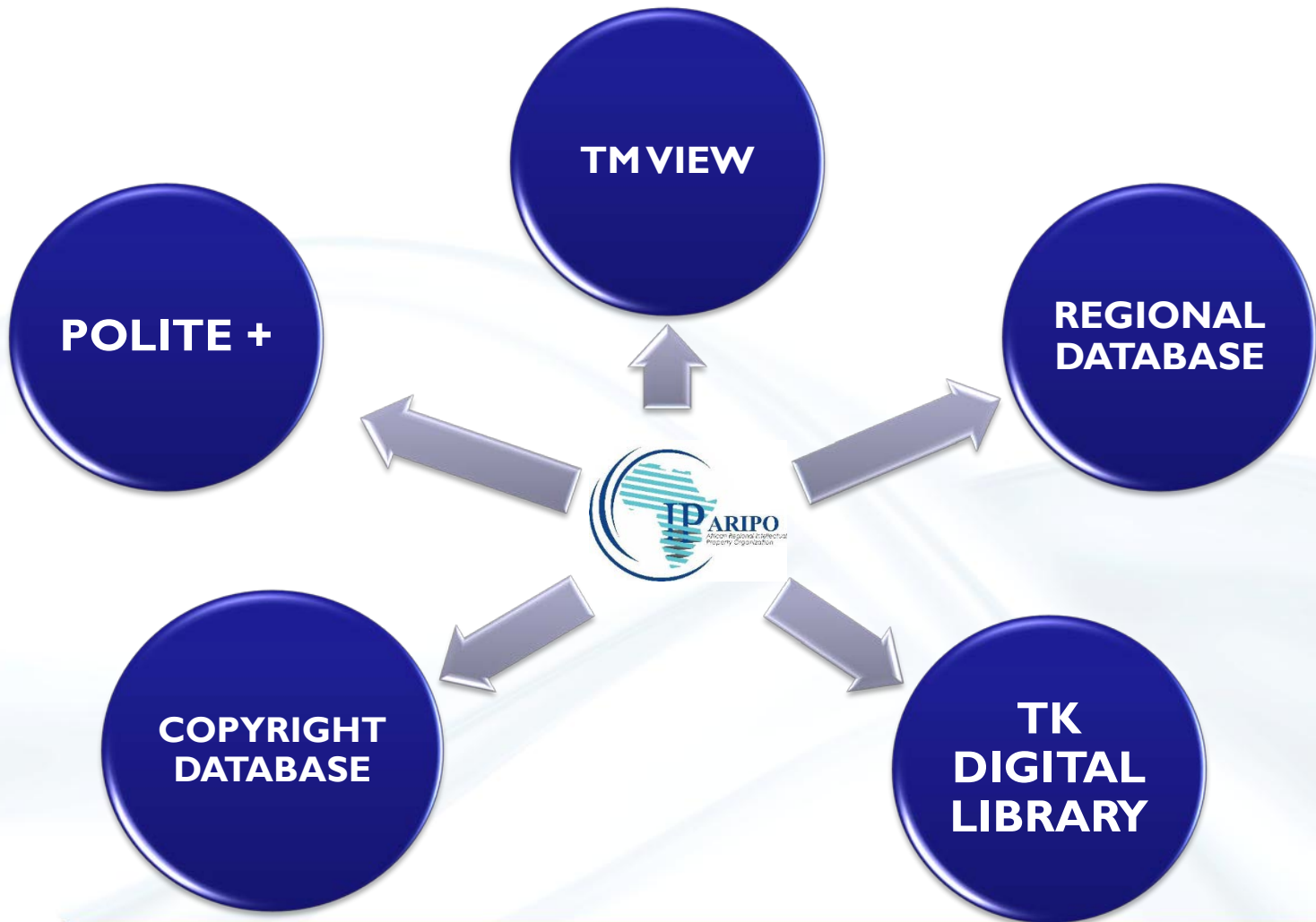
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ARIPO's new Capacity Building Projects

- Establishment of WIPO-ARIPO Regional Centre of Excellence
- Establishment of USPTO-ARIPO Hub of Skills Development
- ARIPO Regional Patent Examination Training Programme (ARPET)



DEVELOPMENT OF OTHER IT TOOLS



Enhancing IP Ecosystem

POLICY AND
EMERGING IP
ISSUES

ENHANCING IP
ADMINISTRATION

SUPPORTING IP
GENERATORS

CAPACITATION
AND
ACCREDITATION
IP AGENTS AND
ATTORNEYS

ARIPO MEMBER STATES



Fostering Creativity and Innovation for Economic Growth and Development in Africa

Harmonization of ARIPO and OAPI systems

- ARIPO and OAPI have initiated the process of harmonising their regional systems
- The 2 organizations met in Yaoundé, Cameroon and established a **Joint Commission** for the harmonization process
- From March 6-9, the second meeting of the **Joint Commission** was held in Harare, Zimbabwe and the following areas of harmonization were agreed upon:
 - ✓ Industrial Property Procedures
 - ✓ Copyright and related rights
 - ✓ **Plant Variety Protection**
 - ✓ Traditional Knowledge, Genetic Resources and Folklore
 - ✓ Capacity building



WAY FORWARD

- To enhance cooperation between RUFORUM and WIPO, UPOV, ARIPO and OAPI to explore capacity building on IP for Africa including Plant Variety Protection
- African Universities to take concrete steps to implement the **WIPO-ARIPO Guidelines** to enhance the utilization of the IP system
- RUFORUM to link up with UNDP YAS programme to groom young innovators in Africa with support from WIPO
- Use of technological Information to enhance research and development (TISCs)





African Regional Intellectual Property Organization

- ▶ Address: 11 Natal Road, Belgravia,
Harare, Zimbabwe
- ▶ Tel: **+263 4 794 065 /6/8/54/74**
- ▶ Fax: **+263 4 794 072**
- ▶ Email: **esackey@aripo.org**
- ▶ **mail@aripo.org**
- ▶ Website: **www.aripo.org**