

COUNTRY REPORT BUSINESS AND INTELLECTUAL PROPERTY AUTHORITY [BIPA]-NAMIBIA

WIPO Regional Training Workshop on IPAS for
Trademark Examiners

July 10-14, 2017

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DISCUSSION OUTLINE

1. IP POLICY, INSTITUTIONAL BACKGROUND AND STRUCTURE
2. STATUS OF AUTOMATION
3. FUTURE PLANS OF THE IPO
4. LEGAL FRAMEWORK (TOOLS CURRENTLY IN PLACE)
5. IP STATISTICS IN GENERAL
6. TRADE MARK STATUS RECORDS ON IPAS

IP POLICY, INSTITUTIONAL BACKGROUND AND STRUCTURE

- Namibia doesn't have an IP Policy in place yet
- IP audit and IP Policy formulation commenced in 2015 with the assistance of WIPO and its at an advanced stage now
- Business and Intellectual Property Authority is an autonomous body created by an Act of Parliament to administer Business and Intellectual Property matters
- The Authority is headed by a Chief Executive Officer
- Other Managerial Positions includes Executives for both IP Services and Business registrations followed by Managers on Patents, Trademark and Copyright Services

STATUS OF AUTOMATION

- IPAS was deployed in 2002 to the Namibian IP Office
- During the deployment phase, WIPO donated a server and three computers and a scanner as part of the automation package
- IPAS CENTURA as affectionately known by then were installed in all the donated workstations
- Over the years the database was upgraded to IPAS Java of which we are using version 3.1.1
- All new Applications are received and captured on IPAS **ONLY**
- All office documents currently issued by the office are generated and issued on IPAS and all past manual systems are buried and abandoned
- IPAS is user friendly and easy to operate
- There are only Trademarks data on IPAS at the moment

FUTURE PLANS OF THE IPO

- BIPA'S immediate plan is to ensure that all IP Data (Trademarks, Patents, Designs and Copyright) are captured, verified, validated and accounted for on IPAS
- Finalisation and implementation of the IP Regulations
- IP Policy to be finalised and implemented
- Embark on IP Online Services with the assistance of WIPO and ARIPO
- To send examiners and Searchers for Training in Vienna Classification to ensure effective classification and search of figurative elements
- To be one of a few IP Model Office in the Region

LEGAL FRAMEWORK (TOOLS CURRENTLY IN PLACE)

- 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 STATISTICS IN GENERAL

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
97 064	2087	458

IP Records for the past five years indicated below:

Year	Trademarks Received	Patents Received	Designs Received
2013	1825	30	8
2014	1818	34	1
2015	3152	20	10
2016	2062	20	15
2017	2108	-	-

CONTINUED: IP STATISTICS IN GENERAL

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

Total Number on the database (up to July 2017)	National marks (up to September 2016)	Regional marks (Banjul)(up to September 2016)	International marks (Madrid) (up to September 2016)
97 064	77 879	1004	11 465

TRADE MARK STATUS RECORDS ON IPAS

- **There are 97, 064 trade marks captured on IPAS**
- **In total we have 64,342 Trade marks in registered status on IPAS**
- **In total, 7686 records verified and validated**
- **19786 marks in formalities exams on IPAS**
- **5737 marks in Substantive examination response**
- **+ - less than 1200 back files still need to be captured on IPAS**

CONCLUSION

- In conclusion, we are doing all search and examination on IPAS.
- In the absence of Vienna Classification for the classification of figurative elements, searchers/examiners have to literally search through all logos in the class applied for including in conflicting classes to the one applied

THANK YOU!

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