

THE INDUSTRIAL PROPERTY OFFICE (IPO) OF
NAMIBIA'S ON-GOING TRANSITION FROM A
GOVERNMENT DEPARTMENT TO AN
AUTONOMOUS IP ENTITY:



**EXPERIENCE WITH THE FOCUS ON NEW
BUSINESS REQUIREMENTS, CHALLENGES,
AND OPPORTUNITIES**

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- Introduction and Background
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INTRODUCTION AND BACKGROUND



- Namibia is a small country by population, 2.3 million in 2012, but it presents interesting investment opportunities. It is situated on the Atlantic coast and has modern port facilities, e.g., Walvis Bay, and is part of the 15-country REC, SADC.

INTRODUCTION AND BACKGROUND: SUSTAINABLE IP FRAMEWORK



- Policy
- Appropriate Legal Framework
- **A competent IP Office**
- R & D
- Education
- Industry
- investors
- the judiciary system

Introduction and Background: Competent IP Office



- Registration and granting of IP rights is traditionally a function of the government; (focus on granting and registration of rights.)
- General consensus that this institutional arrangement pose various challenges to the competence of the IP Office

Introduction and Background: Competent IP Office



- It has been argued that a competent IPO is that which moves from mere registration to becoming the focal point of all IP issues
- Become the driver of the IP Agenda
- Modern Office, Modern Infrastructure, efficiency
- Qualified human resource

Introduction and Background: Competent IP Office



- The general trend of a move towards establishment of autonomous or semi-autonomous Intellectual Property Offices
- General consensus that autonomy = competence and thus strengthen the administration and management of IP

INTRODUCTION AND BACKGROUND: Business and Intellectual Property Authority



- Establishment of the Business and Intellectual Property Authority (BIPA) has been established in terms of Section 21 of the Companies Act, 2004 (Act No.28 of 2004) pending the enactment of the BIPA Act.
- The BIPA Bill is currently with the Ministry of Justice for final drafting before it comes before Parliament.

The Transition



- Change from one form, state, style, or place to another.

Transition



- The Transition from Government subdivision to an autonomous IP entity-
- The Institutional Framework- from a sub division in Government to independent entity established by Statute,
- Expansion of Scope from Industrial Property Rights to Intellectual Property Rights
- Expansion of Focus: from registration focus to “ **be the central focal point for the granting of rights, registration, administration and protection of business and intellectual property** “
- The Name change- from Industrial Property Rights Sub-Division to the Business and Intellectual Property Authority.

Transition Cont.



- The IP Staff- From general staff in the Ministry to qualified and professional IP staff (strategies to build and retain the requisite human resources)
- Budget- From Directorate budget within the Ministry to own budget (still to be approved by the Government)
- From Civil servants to business like

Transition Cont.



- **From paper based processes to paperless (electronic documentation)**
- Governing Structures
- Human Resource Structure
- IT Personnel Structure
- From Deputy Director as Registrar to the BIPA as Registrar, legally the Board but operationally the CEO
- From Back office automation only to adding the (front office automation- e-services, online filing, file inspection and online prosecution and opposition, online publication and registration and online payment.

Objective of the Transition



- **“to improve and streamline the process of registration of IP as well as position IP as a tool to stimulate economic growth.”**
- **(Executive Paper preceding the establishment of the Authority)**

BIPA Bill: Objects of the Act (Sec. 2)



- To foster economic growth and development in order to raise income and promote investment and employment and the **efficient** protection and **administration** of business and **intellectual property in Namibia**;
- **to consolidate**, in the manner herein provided, **the various offices and officials** involved in the **registration and administration** of business and **intellectual property**;
- **to facilitate and promote the efficient and effective registration** of business and **intellectual property** and to keep and administer the registers with regard thereto;
- **to facilitate, streamline, simplify, harmonise and expedite business and intellectual property procedures, registrations, filings and searches**;
- **to enhance the efficient exchange and distribution of information.**

Functions and Powers of BIPA (Sec. 4)



- **to be the registry of information, documents and data required to be lodged with and maintained by BIPA** under the applicable legislation and to be responsible for the examination and safe and orderly custody thereof;
- **to implement, promote, and continuously enhance, advance electronic business and intellectual property information and transaction systems; (e-services).**
- **to maintain accurate, current and relevant information concerning business and intellectual property;**
-
- **to promote, expedite and simplify the flow of information between BIPA and the business community, users of business and intellectual property, general public, regulatory authorities and organs of State; -**
-
- **to promote education and awareness of laws relating to business and intellectual property and related matters;**

Transition in Structure

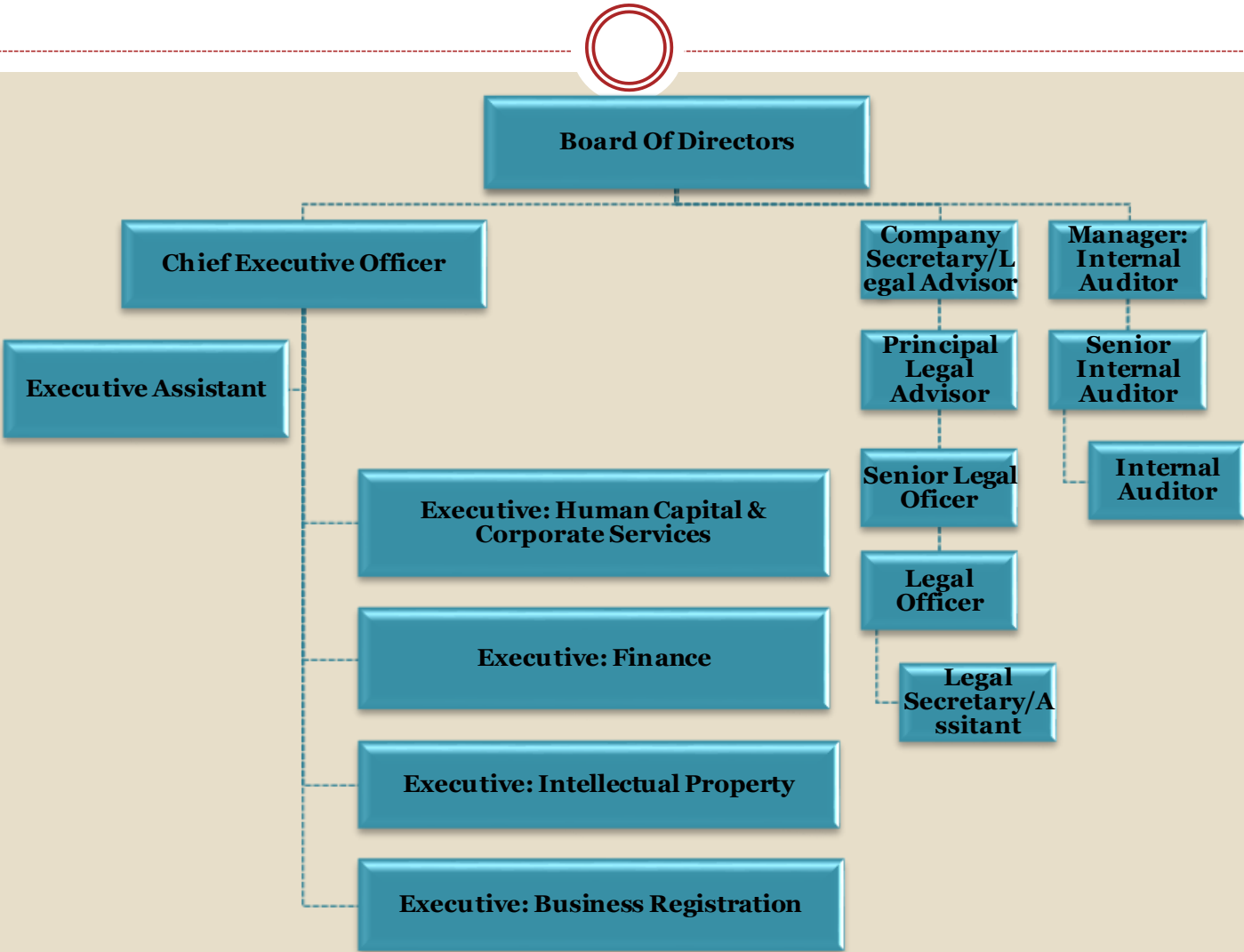


Present Industrial Property Structure:

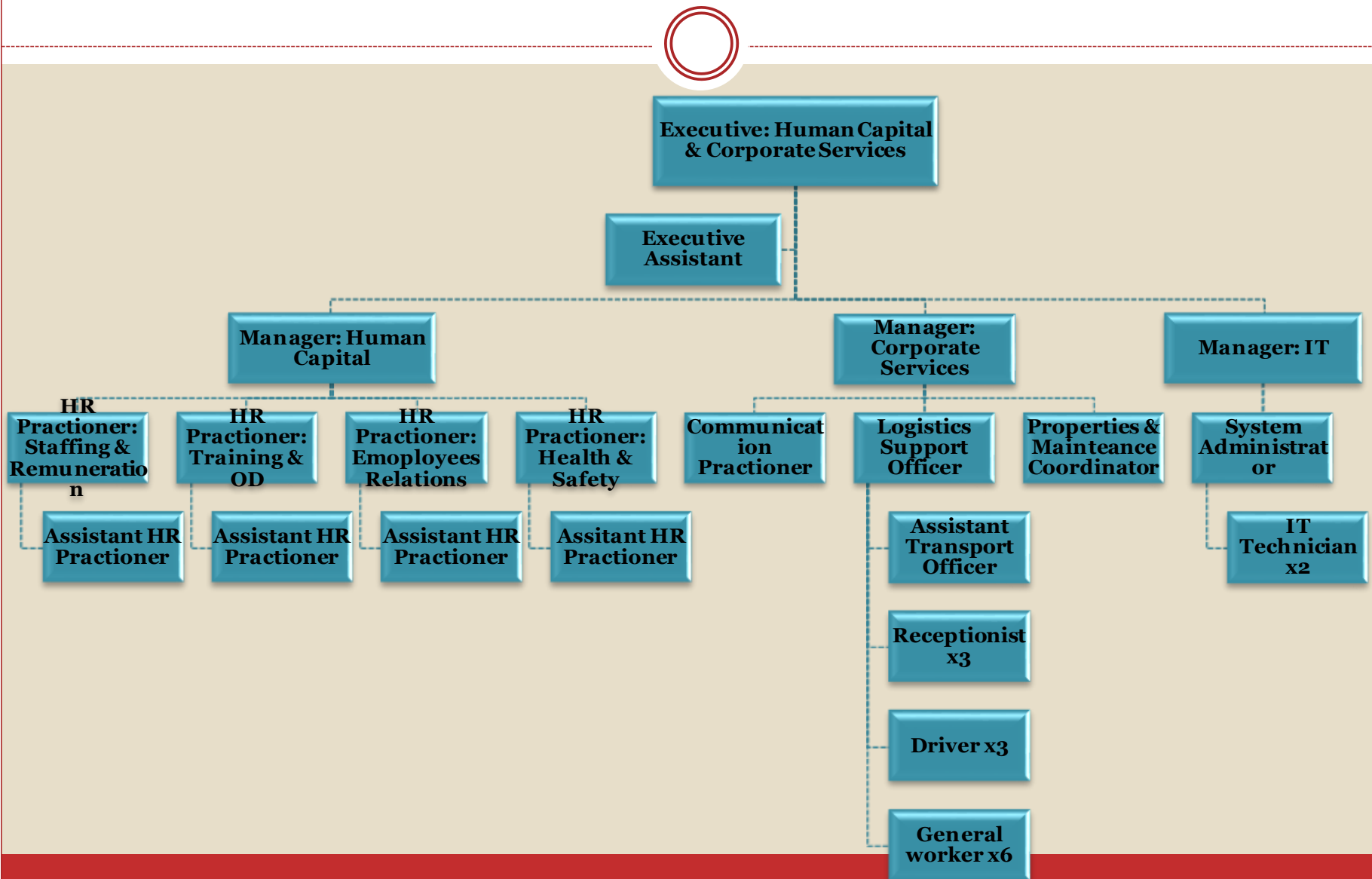
- Registrar
- Supervisor
- 7 Examiners
- 8 Examiner Assistants

- **TOTAL: 15 Staff**

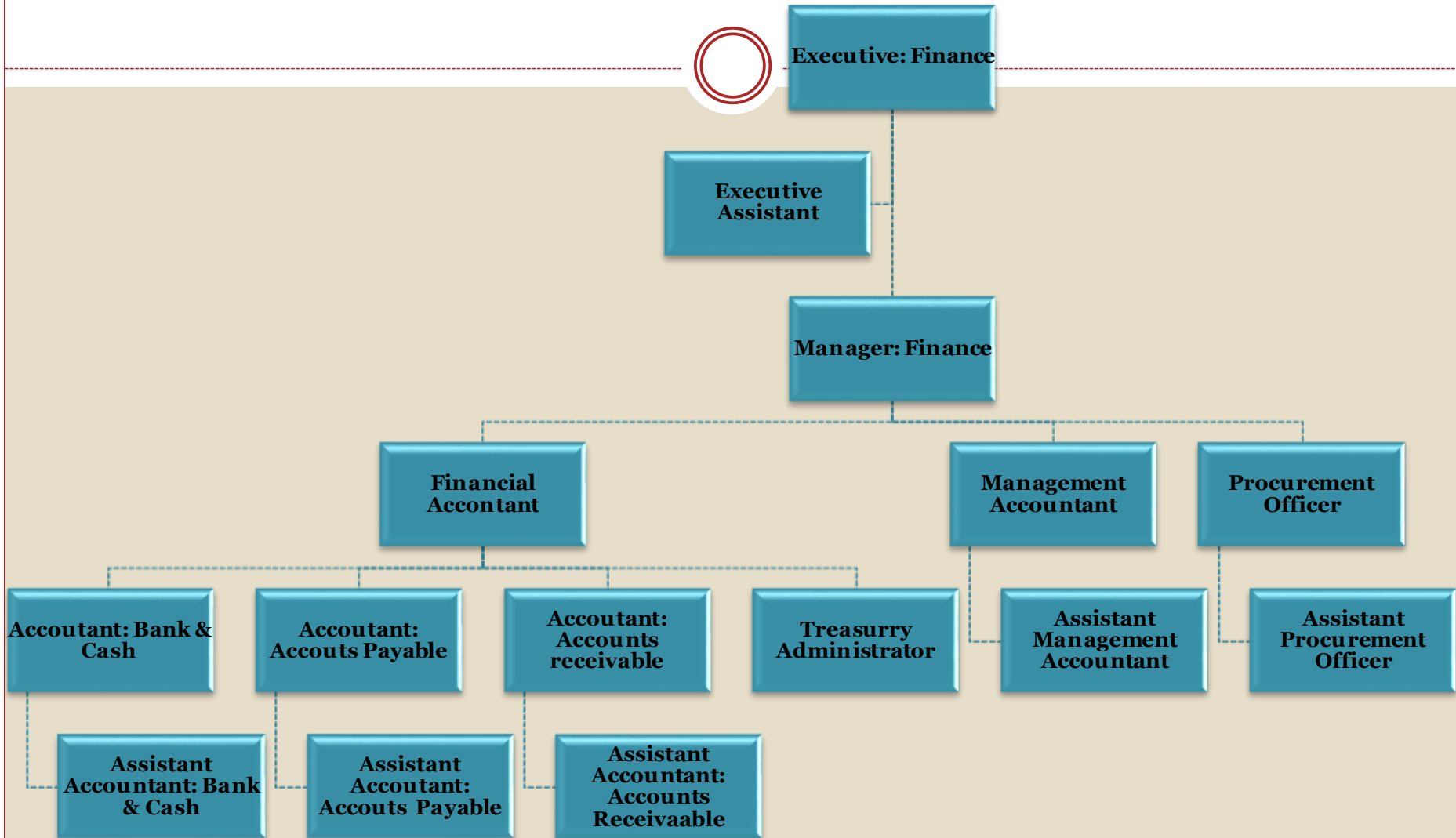
Transition in Structure



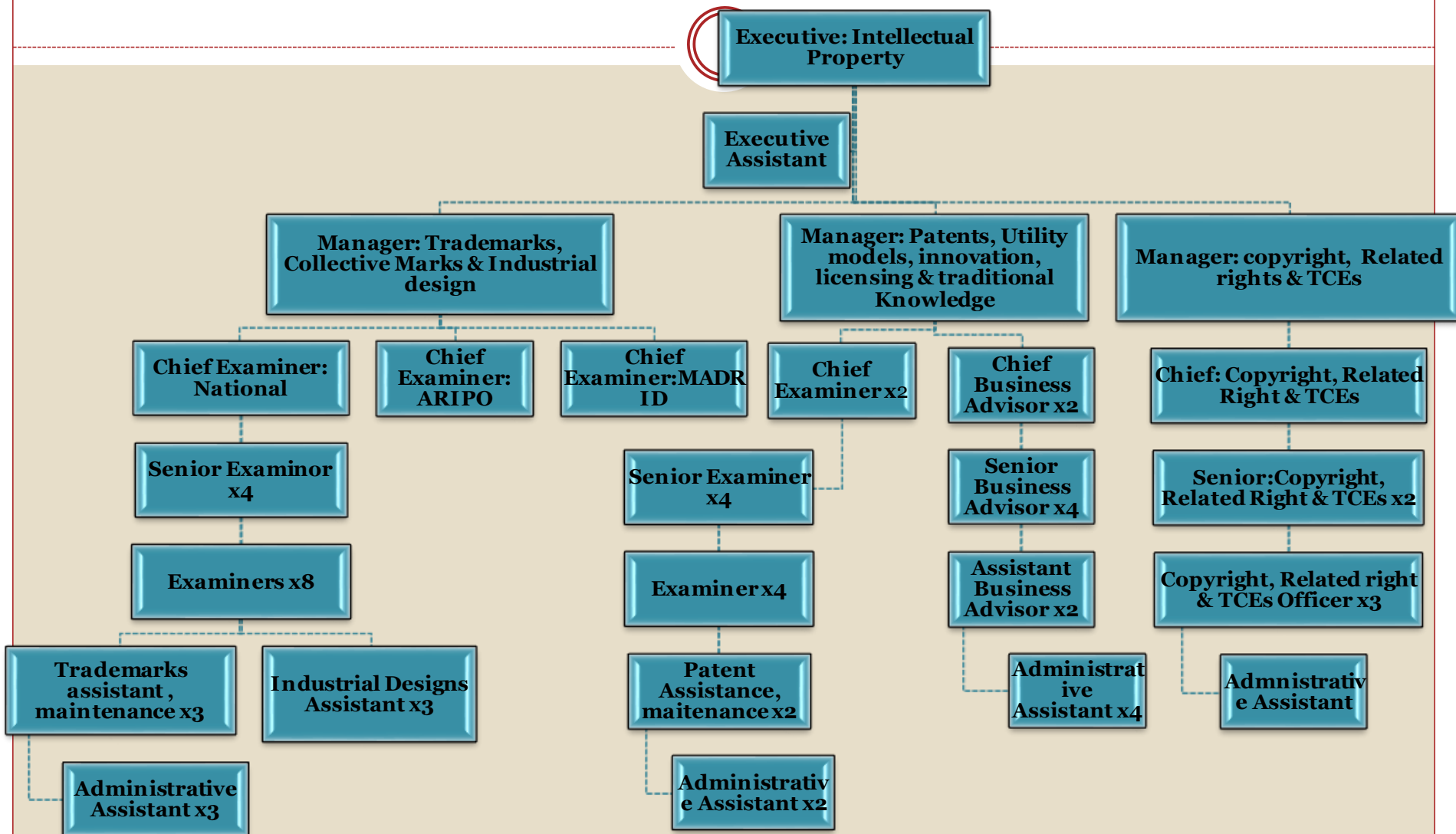
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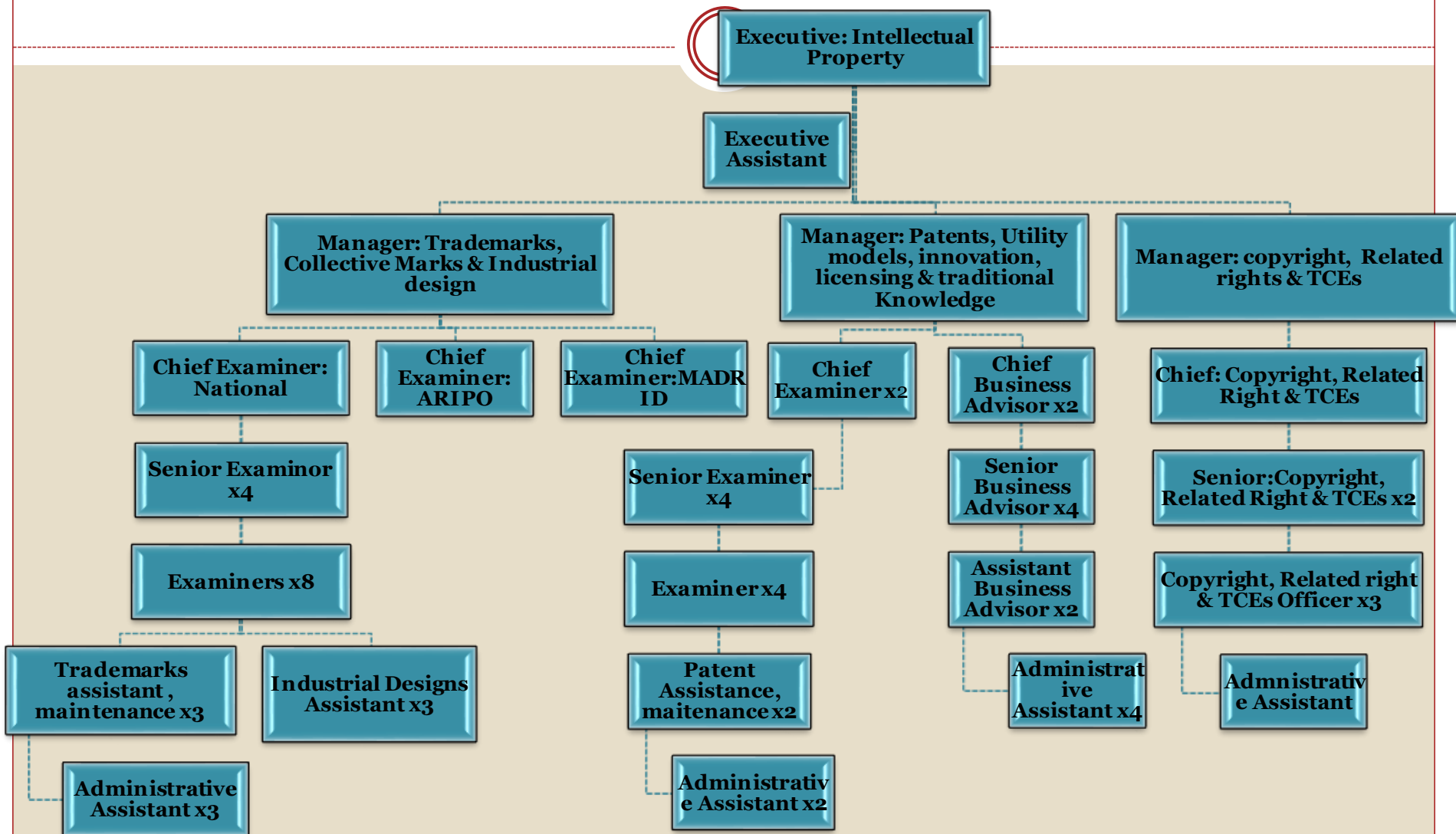
Transition in Structure



Transition in Structure



Transition in Structure



Transition in Structure



BIPA TOTAL ESTABLISHMENT

Department	Number
Office of the Chief Executive Officer	10
Human Capital & Corporate Services	22
Finance	15
Business Registration	109
Intellectual Property	62
TOTAL	218

IP Filings



IP Rights	2008	2009	2010	2011	2012	2013
TRADEMARKS	2,178	1,310	2,029	1,670	1,799	1,279
PATENTS	32	31	26	10	20	29
INDUSTRIAL DESIGNS	8	8	8	5	5	8

Challenges for Future Automation Projects



- Culture Change
- Change in Organization and Management of the Office
- Service Orientation
- ICT Function and Budget
- Support infrastructure in the Countries e.g. online payment gateways
- Modernization of IP Legislation
- Data verification and cleansing

Opportunities



- Efficiency and effectiveness
- Visibility
- Increased number of filings
- Increase in revenue
- Independence- control over budget, identify own human resources needs
- Positioned to become a responsive office with capacity to drive the IP agenda
- Opportunity for partnership and cooperation
- Consolidation of all IP assets under one institution

Conclusion



- *“The Namibia IP Act of 2012 is a novel piece of legislation on the African continent. It is the first Act in the region that effectively combines and incorporates the mandatory international IP standards established by the WTO in 1994, while at the same time taking advantage of pro-competitive, pro-development initiatives from a number of countries around the world.”* Prof. Ruth Okediji
- Visionary legal framework, requires a visionary institution with a responsive enabler.