



Presentation on
Status of the IP System in Afghanistan and
Obligations Under the TRIPS Agreement
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Presentation outline

- IP system in Afghanistan
- Recent developments since 2006
- Current status
- Obligations Under the TRIPS Agreement
- Technical Assistances and Capacity Building received and needed
- Major Challenges in Afghanistan
- Recommendations
- Next steps

IP system in Afghanistan

- There was some provisions under the Commercial law of Afghanistan to protect very few IPRs
- In term of separate regulation only **“Trademarks Regulation ”was legislated in 1960/ 1339**
- No public independent agency except the Department of Trademarks at the MoCI working in collaboration with the commercial court.
- Ministry of Commerce and Industry, Information and Culture, Ministry of Mines and Commercial Court each dealing with some aspects of the IPRs in a unorganized manner.

IP system in Afghanistan (Cont'd)

- **Commercial court to protect IPRs in Afghanistan**
- Lack of public awareness about the importance of IP

Recent developments

- Many ministries were dealing in unorganized way with IPRs^{M1}
- The legal foundation for the IPRs has been set.
- In 2006, Ministry of Commerce and Industry made proposal to the Economic Committee of the Council of Ministers to promote IPs in the country.

Recent developments (Cont'd)

- It is pointing out that to encourage innovations, industrial designs, trademarks, geographical indication, traditional knowledge from one hand and to register these rights on the other hand and to have access to IPRs globally, the IPRs should be protected.
- The proposal of the MOCI was approved by the council of ministers to establish a department of IP within the setup of the MoCI in 2009
- The IP department at the MoCI have 5 members under training, and will soon commence their work

Recent developments (Cont'd)

- Based on the council of minister's approvals on 24/04/1386 -2007 the IP Office was inaugurated and in 15 August 2007 the IP Board comprised of respective key ministries with support from the WIPO established.

Laws and regulations

- Trademarks Law
- Patent Law
- Copy right law
- Trademarks law has been finalized and it is currently in the parliament for the approval.
- Patent and copyright laws has been finalized, approved and enacted in the country.

Technical Assistances and Capacity Building received and needed

- Participation in the seminar organized with support of the WIPO from (12-15 February 2007) in Geneva to develop and build capacity of IP System in Afghanistan
- It was focusing on following 3 points:
 - to strengthen the capacity of Afghanistan to formulate its IP policies, laws and regulations
 - to build the capacity of the IP Department within MoCI
 - To expand and develop IPRs and raise public awareness

Technical Assistances and Capacity Building received and needed

- Received some equipments and support from the WIPO for the IP office.
- Participation in meeting related to IPRs in Kingdom of Bhutan and Indonesia.
- Organized one day workshop in Kabul in Mid 2007 with support from WIPO.
- International Development Law Organization organized a training for 36 officials of MoCI including courses on IPRs.

Some Major Challenges and problems pertaining to IPRs system in Afghanistan

- Weak IP Department with limited recourses, with the Legal and Regulatory Directorate
- Lack of public awareness about the importance of the IPRs (innovators, designers, programmers etc about their IP rights know-how to be protected)
- Lack of financial resources to boost IPRs system in Afghanistan

Some Major Challenges and problems pertaining to IPRs system in Afghanistan

- Oblige Afghanistan to be bound by copy rights which will not allow our students to copy books written by others
- Weak judicial system

Recommendations to establish sound IPRs system in Afghanistan

- Boost and strengthen the IPRs department at MoCI
- Establishing a balanced and comprehensive IPRs medium- to long-term policies
- Include subjects on IPRs in the syllabus of the education system (schools, universities and research centers)
- Raising public awareness about the IPRs via mass media
- Economic growth

Some Recommendations to establish a sound IPRs system in Afghanistan

- Establishing a strong working group to look after IPRs in Afghanistan
- Providing a comprehensive training programme for judges on IPRs
- Developing criteria for identifying and approving claimed innovations.



THAK YOU FOR YOUR ATTENTION

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