



WORKSHOP ON MEASURES FOR ACCESSION TO, AND
EFFECTIVE USE OF, THE MADRID SYSTEM – 8th -9th March 2012
Tokyo Japan

*Current status on Accession to the Madrid
system for ARIPO.
by F.K Mpanju- Examiner, ARIPO Secretariat*

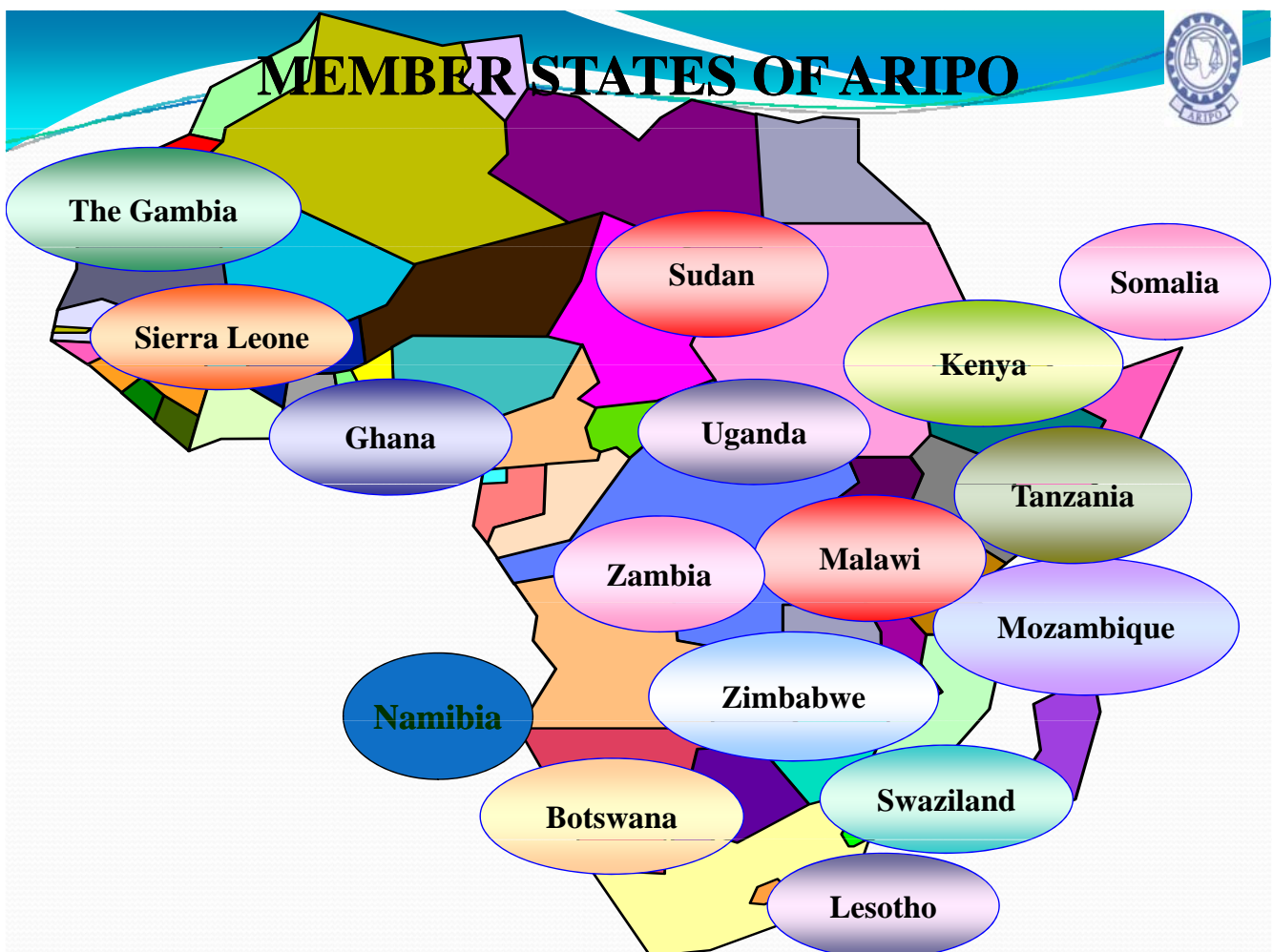


Presentation overview

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- ARIPO Background
- - Organs of ARIPO
- -Protocols- Harare + Banjul
- Process of ARIPO joining Madrid Protocol
- Challenges
- Way Forward.
- Conclusion

ARIPO Background

- Established by Lusaka agreement on 9 Dec 1976 as ESARIPO (English speaking African regional industrial property Organization).
- ARIPO Secretariat set up in 1981 – is based in Harare Zimbabwe.
- Dec 1985, Amended Lusaka agreement to include all African states members of ECA and AU.- African Regional Industrial Property Organization
- 2004 – changed to African Regional Intellectual Property Organization (ARIPO)
- Currently has 18 Member States.





ARIPO objectives

- The main objective among others is to Pool Resources of its Member States together in solving IP related issues by;
 - Harmonizing IP Laws and Coordinating IP Activities among the Member States;
 - Centrally handling most of the matters related to IP including Grant & Registration of IP Rights on behalf of the Member States;
 - Dissemination of Information Relating to IP;
 - Capacity building;
 - Stimulation Business, Human Resources and Institutional Building in IP in the Member States, etc.
- Other functions- patent information services, training and capacity building, coordinating harmonization of IP laws for MS, IP awareness campaigns.

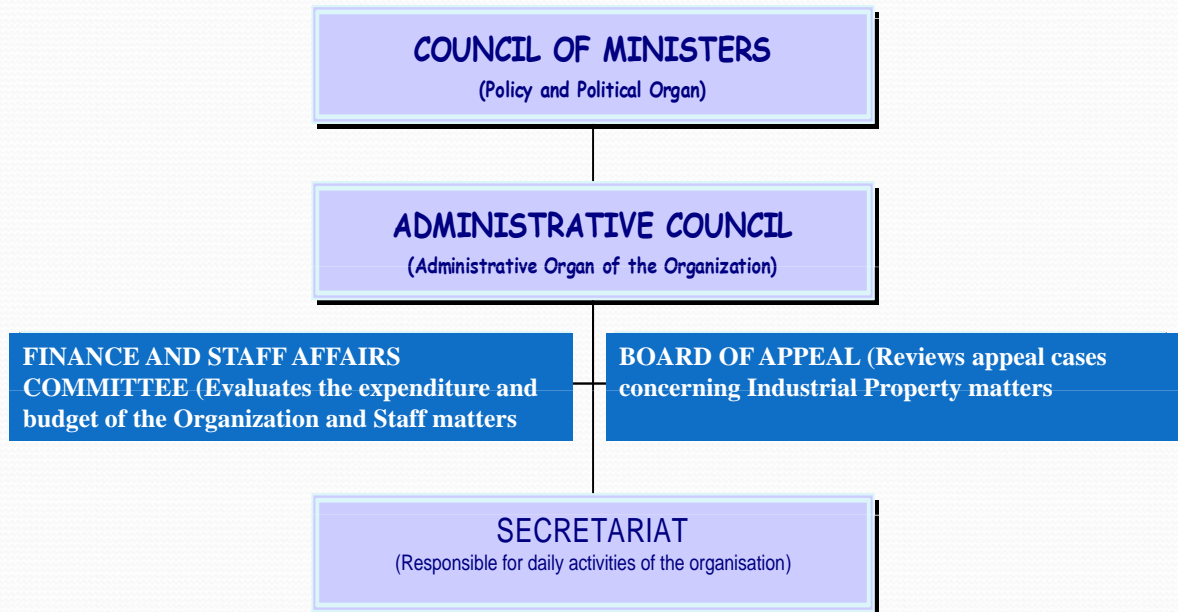


Core objectives

- To implement the mandates, ARIPO operates under 2 protocols
 - - Harare protocol-
 - Patents, Industrial Designs and utility models
 - - Banjul Protocol – for Marks adopted in 1993 at Banjul (The Gambia).
- New Protocol
 - - Swakopmund Protocol on TK and folklore
 - Copyright and related rights under consideration.



ORGANS OF ARIPO

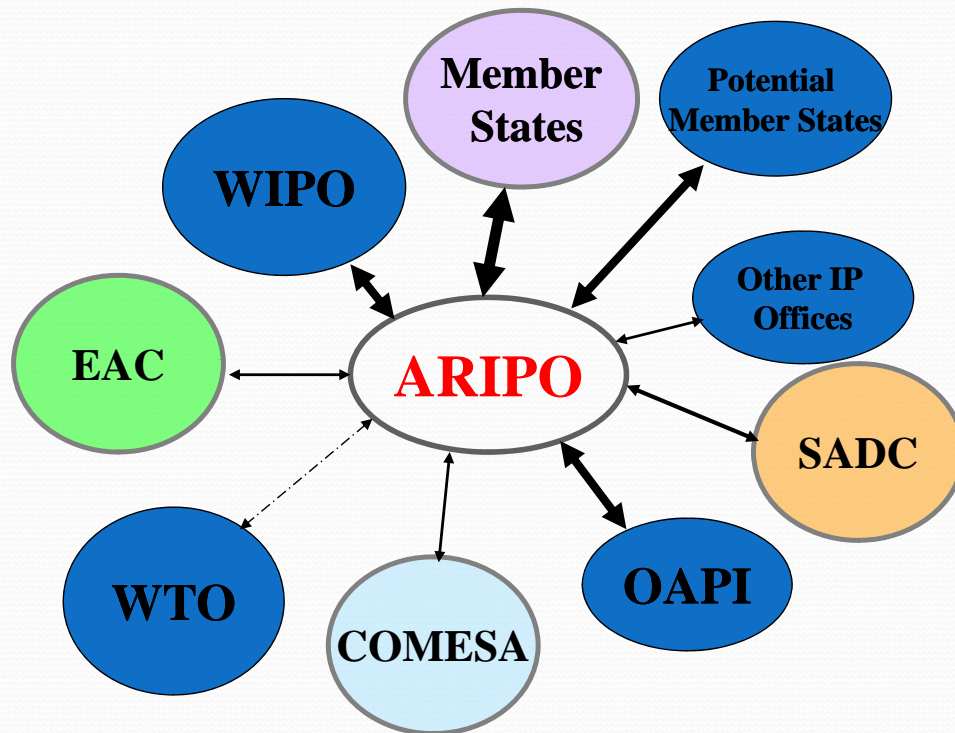


Financing of ARIPO

- Fees Received from the two Protocols;
- Annual Contributions (**Self sustaining , January 1, 2007**);
- Donor Funds (**Not in cash but in Activities & Equipment**).











Cooperation with other IP Offices and Organizations



The Banjul contracting states as at 09.03.2012

- The Banjul Protocol was tied closely to the Madrid Protocol.
- Use same classification Madrid Protocol
- ARIPO does formality examination and substantive examination is done by MS.

Flag	Name of State	Banjul Protocol
	Botswana	29. 10. 2003
	Lesotho	12. 2. 1999
	Liberia	24. 3. 2010
	Malawi	6. 3. 1997
	Namibia	14. 1. 2004
	Swaziland	6. 3. 1997
	U. R. of Tanzania	1. 9. 1999
	Uganda	21. 11. 2000

Process of accession to Madrid Protocol

- Article 14 of Madrid Protocol-Any Intergovernmental organization may also become party to Madrid Protocol.
- Article 9ter of Madrid Protocol- if several contracting states agree to effect the unification to their domestic legislations on marks they may notify DG.
- Based on the above ARIPO submitted their proposal to join Madrid Protocol to Council of Ministers – Ghana Nov 2011- Permission granted.

Process cont.- Challenges

- In Order ARIPO to join Madrid Protocol it requires to issue unitary Marks, This is impossible for now due to the following reasons.
- Some ARIPO Member States belong to Banjul, some belong to Both Madrid Agreement and Madrid Protocol and some does not belong anywhere and some uses National laws as follows.

Process cont.

- Members of Banjul and Madrid.
- Botswana- Madrid Protocol and Banjul Protocol.
- Ghana- Madrid Protocol
- Liberia – Madrid System + Banjul Protocol
- Lesotho- Madrid System + Banjul Protocol
- Malawi- Banjul Protocol
- Namibia- Madrid System + Banjul
- Swaziland – Madrid System + Banjul

Process cont.

- Sudan- Madrid system
- Zambia Madrid System
- Uganda- Banjul Protocol
- Tanzania- Banjul
- Zimbabwe- Banjul
- Somalia- No Protocol
- Mozambique – Madrid system
- Sierra Leone- Madrid system
- Kenya- Madrid Agreement.

Process cont.

- The Gambia- National law
- Rwanda- Member of PCT- No status yet.
- Therefore it is not possible to ARIPO to issue the unitary mark based on the situation mentioned above .
- It is also difficult for ARIPO who will sign the instrument of Accession – ARIPO is not a Territory.
- Fee structure different for each Member states.
- No Regional database.- examination is done by Ms



Way Forward

- ARIPO is in the process of amending the Banjul Protocol to make it attractive so that every Ms become member- then it will be easy to join Madrid Protocol.
- (Banjul Protocol is closely linked to the Madrid System).
- Harmonization of MS national laws.
- Sensitize ARIPO Members to join Madrid System- it will be easy for ARIPO to join Madrid Protocol.
- There must be a declaration from MS to allow ARIPO to grant a unitary mark.



Conclusion

- The mandate for ARIPO to join the Madrid Protocol have been given, though the process is very complicated, a lot of awareness creation is needed to our MS, sensitization to our government officials and capacity building is also needed.
- Most of ARIPO MS are members of Madrid system, we request WIPO to work very closely with ARIPO on awareness creation, capacity building and



Conclusion cont.

- sensitization of the government official on the importance of Madrid Protocol as important tool for economic development of the countries.
- Madrid Protocol awareness can be done through round table which WIPO conduct every year at Administrative Council sessions and we hope ARIPO council Members will agree since most of the IP offices are becoming semi autonomous, they no longer get revenue from government, they are required to generate their own income.



Conclusion cont,

- ARIPO joining Madrid Protocol means more TM applications, more revenue to ARIPO and its Ms and increase market for their goods and better economy for ARIPO countries.



How to contact the African Regional Intellectual Property Organization (ARIPO)

- Physical Address: 11 Natal Rd Belgravia-Hre;
- Tel: +263-4-794065 to 794071;
- Fax:+263-4-794072/3;
- E-mail:
 - mail@aripo.org
- Website: www.aripo.org/



THANK YOU

