

WIPO/INV/BEI/02/9

ORIGINAL:English

DATE:May2002



STATEINTELLECTUALPROPERTYOFFICE  
THEPEOPLE'SREPUBLICOFCHINA



WORLDINTELLECTUAL  
PROPERTYORGANIZATION

**SECONDIINTERNATIONAL FORUMON  
CREATIVITYANDINVEN TION –ABE TTERFUTUREFOR  
HUMANITYINTHE21<sup>ST</sup> CENTURY**

organizedby  
theWorldIntellectualPropertyOrganization(WIPO)

incooperationwith  
theStateIntellectualPropertyOffice(SIPO)of  
thePeople'sRepublicofChina

**Beijing,May23to25,2002**

CONDITIONSFORSU CCESSFULECONOMICAN DSOCIALUSEOF  
INVENTIONSANDINNOV ATIONS

THEEXPERIENCEOFTH EAFRICANREGIONALI NDUSTRIAL  
PROPERTYORGANIZATIO N(ARIPO)

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## I. INTRODUCTION

1. The importance of the patents system to the society at large is premised on the understanding that the system will increase the quality of life of the public. The patents system ensure this by giving a financial incentive to the inventor to publish his inventions so that either he alone can work it or allow others to work it. In either case the aim is to ensure that the invention results in a successful economic and social use.

2. An important aspect of this use is the fact that patent documents contain valuable, detailed and up to date technical information. On the expiry of the patent, this information is available to the public free of charge. This explains the essence of one of the objectives of the African Regional Industrial Property Organization (ARIPO), namely "to assist its members, as appropriate, in the acquisition and development of technology relating to industrial property matters." the

3. In order to realize this objective, ARIPO has put in place specific activities which, while not directly related to the commercialization of inventions, are designed to establish favorable conditions for increased use of inventions and innovation through the patents system.

## II. SPECIFIC ACTIVITIES

### A. Information Technology (IT) Development at ARIPO

4. In order for ARIPO to become competitive, the Organization has developed a five-year IT development plan to enable the ARIPO office to create the information technology environment needed to uphold the Organization's objectives in the coming decades. Some of the activities that have been carried out to date include the following.

#### a) Polite Project

5. This is a joint project between European Patent Office (EPO) and ARIPO directed towards software development for ARIPO for management of the administrative procedures of patents, trademarks and designs at the ARIPO Office. This cooperation takes place in the framework of a project called Patent Office Light (POLITE). The aim of this project is to develop software to facilitate the administration, granting, registration and publication procedures at the office.

#### b) WIPONet

6. The WIPONet project has enabled ARIPO to be connected to the Internet through the information superhighway for the electronic exchange of data/information with WIPO, ARIPO's member States and other intellectual property (IP) offices.

c) Website and Content

7. Web information on ARIPO and its functions, including member data is expected to be on the ARIPO website. There will also be links to WIPO, other patent offices and their Intellectual Property Digital Libraries (IPDLs), and other domains having related data/information. Other value services will include a List Server and Chat facility, which will allow ARIPO Members to have discussions on various topics of their choice on the same Internet grid.

8. The ARIPO website, [www.aripo.wipo.net](http://www.aripo.wipo.net), already has a few documents posted on it. More information is going to be hosted at the website. The List Server is now active and is dedicated to its member States. The topics for discussion range from intellectual property issues to regional issues involving industrial property and its impact on economic development, including plant varieties. In his welcome message on the website, the Director General of ARIPO, Mr. Mzondi Chirambosaid: "The website has been designed to ensure that ARIPO enters the new information technology era in a way that will revolutionize its operations and the way it conducts its business with both member States and the users of its services."

9. The importance of ARIPO's entry into the new digital technology era, coming as it does at the dawn of the millennium, needs no additional emphasis. It will not only ensure that the Organization is in a position to face the challenges of globalization but also strengthen the protection of industrial property for the economic, social and technological development of its member states. In this way the Organization will play its role in the African Renaissance. The website at the moment provides an outline of the history of the Organization, its objectives, organizational structure, membership and its current activities.

d) ARIVISION

10. At its Twenty-Fifth Session held in Accra, Ghana, in November 2001, the Administrative Council of ARIPO approved a five-year information technology plan called ARIVISION. The aim of ARIVISION is to enable ARIPO to provide information technology leadership in the region, build ARIPO's Secretariat infrastructure and create the information technology environment that ARIPO needs in order to reach its goals in the decade to come. ARIVISION takes into account information technology projects being implemented by the World Intellectual Property Organization (WIPO) (WIPONet) and the EPO (POLITE) referred to above.

B. Establishment of the First African Regional Training Centre on Intellectual Property

11. The African Regional Industrial Property Organization has taken steps to build the first African Regional Training Centre on Intellectual Property on the premises of its new headquarters in Harare, Zimbabwe. The need for capacity building in Africa has been widely expressed by stakeholders in ARIPO member States and as far afield as the United States of America (USA) and Sweden. The new regional training center will provide training on drafting of IP laws and specifications as well as negotiations skill taking into account the specific need of Africa. Basic introductory courses on intellectual property will also be taught. It is planned that in the long run the center will offer degree on intellectual property.

C. Cooperation with other Organizations and Industrial Property Offices: Networking

12. The increasing globalization of the world means that it will be necessary for ARIPO to strengthen its cooperation with other international and regional organizations as well as other industrial property offices. Article V of the Lusaka Agreement, mandates the Organization to establish and maintain close and continuous working relationships with the United Nations Economic Commission for Africa, WIPO and the Organization of African Unity (OAU). Article VI give s discretion to ARIPO to cooperate with States not members of ARIPO and with organizations, institutions and bodies (cooperating States and organizations), which are willing to assist ARIPO in achieving its objectives.

13. So far ARIPO has established a close working relationship with WIPO, particularly within the framework of the ARIPO -OAPI-ARCT-WIPO Quadripartite Agreement and is in the process of concluding an agreement of cooperation with OAU. It has had a close relationship with EPO for a long time and Cooperation with the Benelux Trademarks Office (BMM) and Office for the Harmonization of the Internal Market (OHIM) has also been established.

14. Outside the Quadripartite Agreement, ARIPO concluded a cooperation agreement with OAPI, in November 1996 and contacts have already been made with WTO regarding the admission of ARIPO as an observer in meetings of the TRIPS Council with the hope that this may lead further cooperation in the implementation of the TRIPS Agreements in ARIPO member States. Similarly an agreement was signed with the Eurasian Patent Office (EAPO) in 2000. In 1995, ARIPO also included an agreement with the African Regional Organization for Standardization (ARSO). Cooperation with other national offices has been maintained with the Patent Office of the United Kingdom, Swedish Patent and Registration Office, National Institute of Industrial Property (INPI) of Brazil, United States Patent Office (USPTO), German Patent and Trademark Office (GPTO) and the Austrian Patent Office. Agreements have been concluded with the Patent Offices of the UK, INPI, UPTO and the Swedish Patent and Registration Office.

15. An agreement has been signed between ARIPO and COMESA in early 2002, while efforts are underway to conclude agreements with other regional economic groupings such as ECOWAS, SADC and the East African Community (EAC).

D. Infrastructure Development

16. Effort has also been made by ARIPO to improve on its infrastructure to accommodate the expansion program of the Organization. Some of the infrastructural developments include legal and institutional infrastructure.

17. As far as legal infrastructure is concerned, ARIPO has mounted a campaign for states to modernize their industrial property laws. Modern legislations have been supplied to countries and, a number of them have enacted new legislations while others are in the process of enacting them.

18. The Secretariat of ARIPO has also improved its institutional infrastructure correspondingly through:

- computerization;

- acquisition of a new headquarters building;
- recruitment of staff and fellowship.

19. Improved institutional infrastructure has led to a more efficient delivery of services to both member States and the public at large.

#### E. Human Resources Development

20. In recent years the Organization has embarked on intensive training programs. The training programs include:

- attachment of officials from patent offices of member States to the Organization for practical training in the administration of industrial property;
- technical missions to offices in the region on capacity building and data management;
- roving workshops, seminars and high-level missions.

#### F. EPO-ARIPO Roving Seminars

21. A joint project between EPO and ARIPO was initiated in 1992. The project involved roving seminars to all ARIPO member States and potential member States.

22. The 1992-1996 EPO-ARIPO Roving Seminar on Patent Information and Protection were carried out in the following African countries: Botswana, Ethiopia, Eritrea, Ghana, the Gambia, Kenya, Lesotho, Swaziland, Sudan, Tanzania, Uganda, Zambia and Zimbabwe.

23. The mission objectives were:

- to create awareness on patent information and protection;
- to promote the use of patent information in research and development;
- to encourage the protection of innovations and inventions.

24. The target groups for seminars include the research community, patent attorneys, university lectures, private inventors, government officials responsible for science and technology, administrators of industrial property, investment promotion authorities and the media. In 1997, the project was lightly modified and changed to EPO-ARIPO Roving Workshops which have targeted final year students of law and engineering. Since 1997, the workshops have been organized in Botswana, Eritrea, Ethiopia, Ghana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Nigeria, Seychelles, South Africa, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe.

### G. Awareness Activities

25. Awareness activities have been undertaken through user meetings, publications and participation in technology fairs and exhibitions.

### H. Promotion of Utility Models in Africa

26. The utility model protection can be effectively utilized for the promotion of indigenous technologies in Africa. The definition provided in Section 3 *ter* of the Harare Protocol reads as follows:

“Any form, configuration or disposition of elements of some appliance, working tools and implements of everyday use electrical and electronic circuitry, instrument, handicraft mechanism or other object or part thereof insofar as they are capable of contributing some benefits or new effects saving in time, energy or labour or improving the hygienic or socio-physiological working conditions by means of new configuration, arrangement or device or a combination thereof and industrially applicable.”

27. The essential components of this definition relate to modifications of existing state of the art. This innovative process starts with the study of technological information contained in patent documents. This study has the effect of stimulating creative thinking and enhancing the prospects of an innovative effort. In this area, patent documents can be of great help in identifying appropriate technology that meet the needs of the current level of technology. The importance of utility models can also be seen from the following advantages that it offers:

- they relate to the protection of every simple invention;
- the inventions step requirement is usually very low and the requirement could be locally determined;
- the fees are affordable.

28. African countries are encouraged to take advantage of the utility model in protecting their innovative endeavors.

### III. CONCLUSION

29. It is now well appreciated that per capita economic growth of nations, especially in the last 50 years, have dramatically been driven upward, more by innovation than by aggregate capital investment. Natural resources, such as oil and gas reserves, solid minerals, etc., no longer guarantee economic prosperity and real wealth in this highly technical and globalized world. Wealth is now engineered by innovation. This holds a clear lesson for developing countries that pin their hopes for economic development on natural resources.

30. The slogan should be INNOVATE OR PERISH. History has shown that human creativity and innovation are not found only in particular racial or ethnic groups. Nature has endowed all groups equally. The only difference is the conditions that exist within each group that retard or promote creativity and innovation. It is important to break loose of traditions and cultures that are technology-inhibiting and hinder innovation and creativity. It is important to create the conditions that enable the most brilliant and enterprising scientists, the inventors, innovations as well as the most resourceful entrepreneurs to flourish on the soil of Africa. ARIPO hopes it has helped in creating such conditions in its member States.

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