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ENCOURAGING INNOVATION AND COMMERCIALIZING INVENTIONS IN AFRICA

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1. Innovation is the name given to an invention that is industrialized and marketed and it is recognized as a forceful method for industrial development and improving living standards in general.
2. The experts affirm that this is the effective method used by Japan to eliminate its competitors, take over market shares and reach a dominant position in the global economy in certain key sectors.
3. At a time of increasingly keen international competition as a result of the globalization of the economy, invention and innovation have become the foremost economic weapons and are a vital necessity for African countries.
4. This means that the governments in our countries should encourage and support inventive and innovative activity by strengthening resources devoted to it and using them effectively.
5. The African Intellectual Property Organization (OAPI) is one such tool. It is composed of 15 African States, namely, Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.
6. My intention is to highlight the contribution made by the Organization to encouraging and supporting invention and innovation in its member States, as well as the efforts made by the Organization and its member States to enhance the quality of this support.
7. The OAPI is an intergovernmental organization responsible for granting titles of protection for industrial property rights and supplying industrial property-related services to its member States. It applies uniform legislation that replaces domestic law for each of its members: the Bangui Agreement of March 2, 1977. The titles of protection it grants automatically have effect in each of the member States.
8. Its headquarters are in Yaoundé, Republic of Cameroon.
9. The topics covered by the Bangui Agreement are:
 - patents for inventions;
 - utility models;
 - industrial designs;
 - trade marks and service marks;
 - trade names;
 - appellations of origin;
 - literary and artistic property.

This list will soon be expanded by the addition of layout designs (topographies of integrated circuits) and new plant varieties following the entry into force of the revised Bangui Agreement (signed at Bangui on February 24, 1999).

10. The member States of the OAPI are all parties to the major international intellectual property conventions, namely:

- the Paris Convention of March 20, 1883, for the Protection of Industrial Property;
- the Berne Convention of September 9, 1886, for the Protection of Literary and Artistic Works;
- Convention of July 14, 1967, establishing the World Intellectual Property Organization;
- the Patent Cooperation Treaty of June 19, 1970;
- the Agreement on Trade-Related Aspects of Intellectual Property Rights (ATRIIP) of April 15, 1994.

11. The OAPI has the following three bodies:

- the Administrative Council;
- the Directorate General;
- the High Commission of Appeals.

12. OAPI does not have any offices in its member States, so its users are informed of its activities in two ways:

- through national liaison offices within industrial property ministries;
- through industrial property firms, which users outside member States must utilize.

13. One of the major goals sought by the OAPI through its various tasks is to make a full and effective contribution to the technological development of its member States by taking advantage of all the opportunities afforded by industrial property. This goal was reaffirmed in the Abidjan Declaration, adopted by the Administrative Council on December 1, 1992.

14. The OAPI's first and foremost contribution to the promotion of invention and innovation is the legal protection of inventors' moral and economic rights through the patents and other equivalent or similar titles it grants.

15. An OAPI patent is a legal title that is given to the author of an invention subject to certain conditions and it is published. It gives the inventor the exclusive right to work the invention in all member States for a specified term (20 years).

16. An OAPI patent gives its owner – the inventor – immediate and lasting recognition for having created something unusual with his mind. Moreover, even for a limited time, it allows him to take advantage of his invention's success on the market. This is the main catalyst for invention and innovation in the 15 member States of the OAPI.

17. An OAPI patent also encourages research in member States, on the one hand by inciting rival inventors to find new solutions to the technical problems resolved by the protected invention and, on the other, motivates the patentee to pursue his research efforts to perfect his invention in order to face the competition.

18. The OAPI patent system as a whole promotes the acquisition of technology through transfers, which strengthen the technical foundations in member States. It does this in two ways:

- a) by providing a wealth of information gathered and classified in its patent documentation, which constitutes a unique and comprehensive source of information on the state of the art;
- b) by providing a necessary element of certainty for any transfer of technology. The existence of the OAPI's patent system on the one hand mitigates the commercial risk of the supplier of the technology by guaranteeing protection for his technology against unauthorized exploitation by third parties and, on the other, allows the recipient to apprehend the technology's essential elements.

19. There is no doubt that the OAPI's patent regime is an important factor when decisions are taken on foreign investment in member States, especially if the investment is in advanced technology, where there is keen competition.

20. The OAPI offers the following services in connection with patents and equivalent or similar titles:

- granting of patents, certificates of addition and certificates of registration of utility models;
- publication of patents and utility models (Industrial Property Bulletin (BOPI), patent and utility model specifications);
- making available reports on the state of the art, with a view to protecting an invention, guiding or defining programmes for research and the acquisition of knowledge;
- supplying information on patent applications filed or patents granted;
- consultation of entries in the special patent register in order to ascertain the validity of a patent at a particular time before a decision is taken to work it or negotiate a licensing contract;
- consultation of patent documentation on various media (specifications, CD-Roms and soon remote consultation using WIPOnet).

21. The OAPI's other important contribution to the development of invention and innovation is the assistance it provides to inventors and researchers.
22. This assistance comprises the following elements:
 - promoting awareness and training;
 - providing scientific and technical information (reports on documentary research);
 - assistance in preparing applications for protection (support by national liaison bodies for independent inventors);
 - subsidies for filing applications for patents or equivalent titles (over the past four years, 133 applicants received subsidies);
 - assistance in perfecting products or manufacturing prototypes;
 - subsidies for participation in inventors' and innovators' exhibitions in member States or other countries;
 - organization of a biennial inventors' exhibition;
 - contribution towards the cost of organizing inventors competitions in member States and award of prizes to the winners;
 - advice on acquiring technology under licensing agreements.
23. The OAPI's budget for this assistance over the past two years was 231,400,000 CFA Francs.
24. The OAPI's support for inventive and innovative activities in its member States will grow in scope and effectiveness when the Fund for the Promotion of Invention and Innovation (FAPI) comes into effect in 2000.
25. The FAPI is a project developed by the OAPI in order to enhance the integration of inventions and innovations by African researchers into the development processes of its member States. The FAPI's major objectives are the following:
 - to allow the OAPI to fulfil the essential role of an interface between patent owners and industrial firms in member countries;
 - to promote the creation of innovative enterprises by exploiting African inventions and innovations;
 - to encourage the transition from invention at the laboratory stage to pre-industrial models, prototypes and other product samples;
 - to encourage, catalyze and facilitate financing for the acquisition of new technology by existing industrial or small-scale enterprises with a view to enhancing their productivity and performance;

- to enable member countries to draw up policies and find the resources needed to facilitate the promotion of locally-developed technology;
 - to administer an ongoing programme for the mobilization of financial and technical resources to promote invention and innovation in Africa.
26. The OAPI has contributed an initial sum of 385,000,000 CFA Francs to finance the FAPI. The Fund will have to seek a further 1,690,000,000 CFA Francs from the donors identified.
27. As will be noted, the OAPI's contribution to encouraging and supporting invention and innovation in its member States is essential.
28. The steps taken since 1996 to modernize the OAPI regime will further enhance the quality.
29. These measures have received valuable support from the WIPO and affect both the OAPI itself and national liaison structures.
30. Within the OAPI, administration and finance have been reorganized, there have been quantitative and qualitative improvements in human resources, the necessary changes to the legal framework have been made, and the upgrading of technology has got off to a good start (installation of an efficient electronic data processing system and a modern telecommunications network, the headquarters has been equipped with modern and functional furniture, connection to the Internet).
31. In the national liaison structures, human resources have been strengthened, material resources have been modernized and reinforced and some structures have been adapted so that they are better able to carry out their tasks. This is the case for the Ivorian Industrial Property Office, for example.
32. At the African Conference on the Promotion of Innovation, held at Abidjan from June 20 to 23, 1988, Mr. Abdel Waleb Musa, President of the Sudanese Inventors' Association, gave an address that was marked by its humour and highlighted the essential conditions that have to be met if innovation is to progress in Africa.
- These essential conditions are:
- effective protection of inventions;
 - the existence of appropriate mechanisms for financing innovation;
 - the elimination of the psychological hurdles caused by the complex African inventors have vis-à-vis their colleagues in other continents and the scepticism of Africans regarding their inventors.
33. The OAPI intends to see that these three essential conditions are met in all its member States.

34. A fourth condition has to be added: the need to take into account the needs of the market. This depends on inventors and is a decisive factor. As Peter Drucker remarked: “The test of an innovation is not its novelty, its scientific nature nor its perspicacity, but its success in the market.”

35. This is why I would like to conclude by calling on inventors and innovators in OAPI member States to ensure that their inventions and innovations are always closely related to markets, aimed at markets and market-led, so that the immense efforts already made by the OAPI and its future efforts on their behalf attain their objectives.

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