



REPUBLIC OF SOUTH AFRICA



Regional Seminar for Certain African Countries on the Implementation and Use of Several Patent-Related Flexibilities

***Topic 15: The Impact of National Exhaustion of Rights on the
Economy***

**Durban, South Africa
January 29 to 31, 2013**



the dti

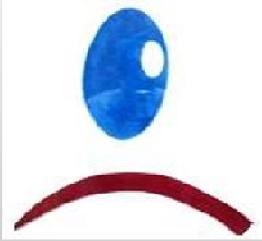
Department:
Trade and Industry
REPUBLIC OF SOUTH AFRICA



Regional Seminar for Certain African Countries on the Implementattion and Use of Several Patent-Related Flexibilities

organized by
the World Intellectual Property Organization (WIPO)
in cooperation with
the Department of Trade and Industry of South Africa

Durban, South Africa
January 29 to February 1, 2013



EIPO
ETHIOPIAN INTELLECTUAL PROPERTY OFFICE



Topic 15
***Impact of National Exhaustion of Rights
on the Economy***

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ETHIOPIA



- officially known as the **Federal Democratic Republic of Ethiopia**.
- located in the **Horn of Africa** (East Africa)
- It is bordered by **Eritrea** to the north, **Djibouti** and **Somalia** to the east, **Sudan** and **South Sudan** to the west, and **Kenya** to the south.
- **populous** and **landlocked**
(the second-most populated nation on the African continent)
- occupies a total area of **1,100,000 square kilometres** (420,000 sq mi).
- capital city – **Addis Ababa** (headquarters of the **African Union**)

ETHIOPIA'S ECONOMY

Agriculture Lead Economy

EXPORT

- » LEATHER
- » Textile
- » COFFEE
- » Sesame
- » Soibean.....

– On the verge of transforming from Agriculture lead economy to Industry lead economy

The nine fields of technology given priority by the Ethiopian government

- Metal technology
- Textile technology
- Leather technology
- Agriculture technology
- Agro processing technology
- Bio-technology
- Construction
- Chemicals and Pharmaceuticals
- Information technology

Historical Background

- Prior to the establishment of the EIPO the IP elements were organized in a fragmented manner.
 - ❑ **Patent** was administered by Science and Technology Commission,
 - ❑ **Trademark** by Ministry of Trade and
 - ❑ **Copyright** by Ministry of



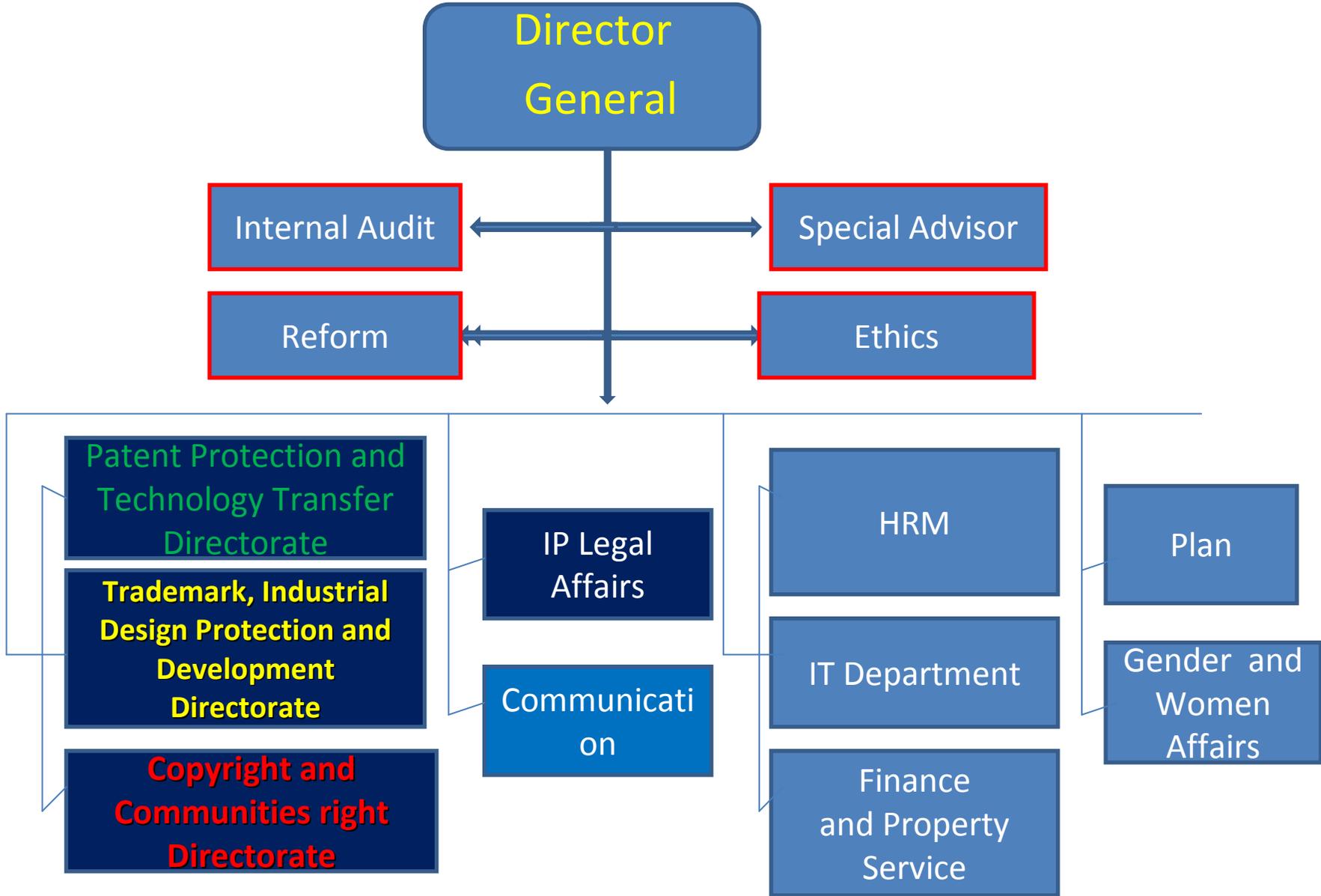
Establishment of EIPO

- The Ethiopian Intellectual Property Office was established by :
 - Proclamation No. 320/2003
 - Ethiopian Intellectual Property Office Establishment Proclamation
- The IP elements administered by **EIPO** are :
 - PATENT
 - TRADEMARK and
 - COPYRIGHT

Objectives of the Office

- 1) to facilitate the provision of adequate legal protection for and exploitation of intellectual property in the country;
- 2) **to collect, organize and disseminate technological information contained in patent documents and encourage its utilization;**
- 3) to study, analyze and recommend policies and legislations on intellectual property to the Government;
- 4) **to promote knowledge and understanding of intellectual property among the general public.**

Organizational Structure of EIPO



Patent Law and Regulations

- **PROCLAMATION No. 123/1995**

A proclamation Concerning Inventions, Minor Inventions and Industrial Designs

- **COUNCIL OF MINISTERS REGULATIONS No. 12/1997**

Regulations Concerning Inventions, Minor Inventions and Industrial Designs

The Function of a Patent System

- A patent system fulfills two roles.
 - provides legal protection for inventions
 - ensures that knowledge of those inventions is available to the public.



Objectives of the Proclamation

- To create a favorable environment in order to promote local inventive and related activities as well as to encourage the transfer and adoption of foreign technology.
- By giving protection to local inventions it encourages further creativity and the development of indigenous technological capability
- Through the protection it gives to foreign technology owners it facilitates the transfer of foreign technology

EXCLUSIVE RIGHTS OF PATENTEES

- The Patentee is given Exclusive right to : -
 - ✓ use
 - ✓ sell
 - ✓ produce
 - ✓ license
 - ✓ assign
 - ✓ transfer by succession of his invention
and
 - ✓ to prevent third parties from doing any
of the above acts

.....EXCLUSIVE RIGHTS OF PATENTEE

- The patentee shall not have import monopoly right over the products of the patented invention in Ethiopia.

TYPES OF PATENTS APPLICATIONS IN THE ET PATENT SYSTEM

- PATENT
- PATENT OF INTRODUCTION
- UTILITY MODEL

Patents of Introduction

Are granted to inventions which:

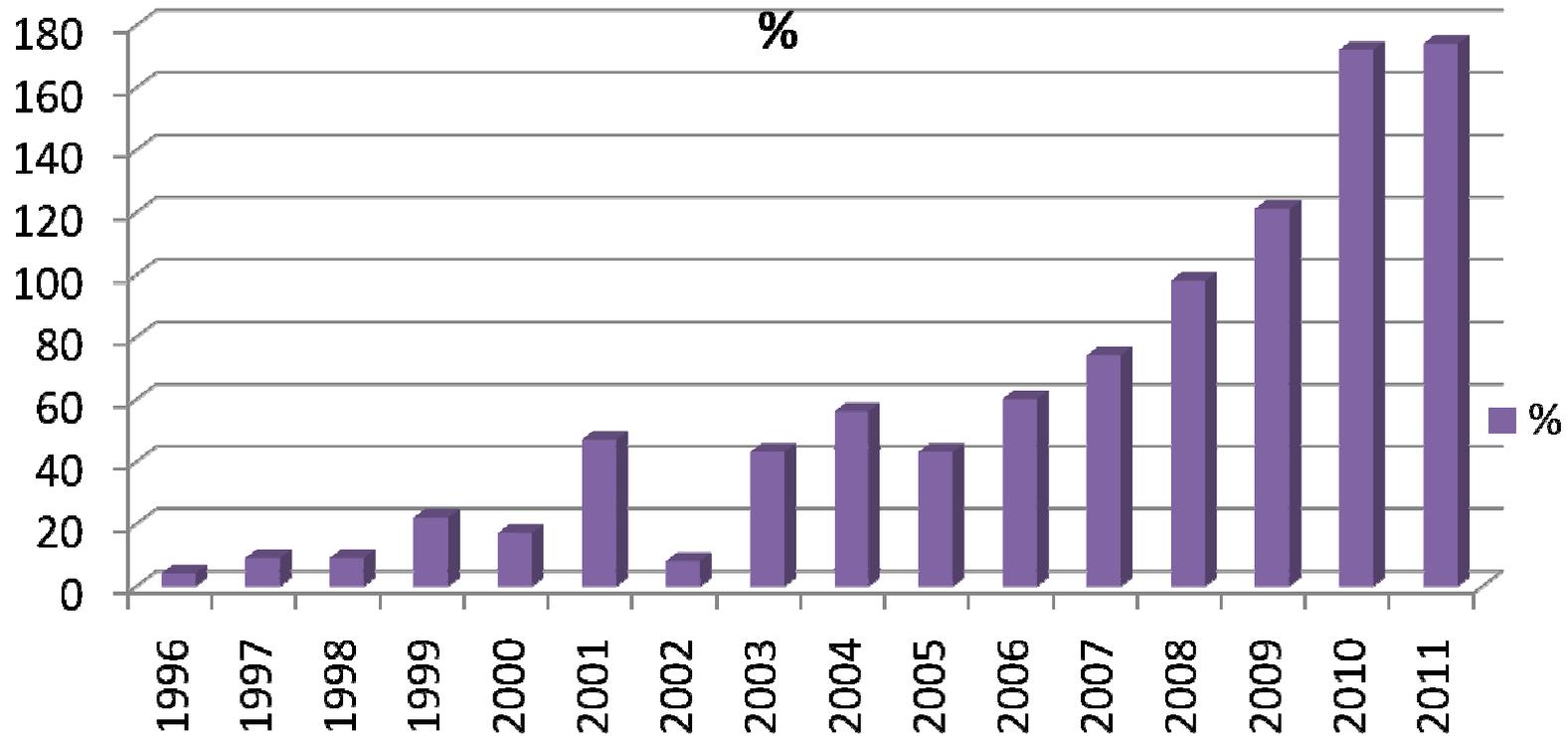
- Have been patented abroad
 - Not expired
 - Have not been patented in Ethiopia
- Protection is valid for a period of 10 years

REQUIREMENTS

Ethiopian Patent

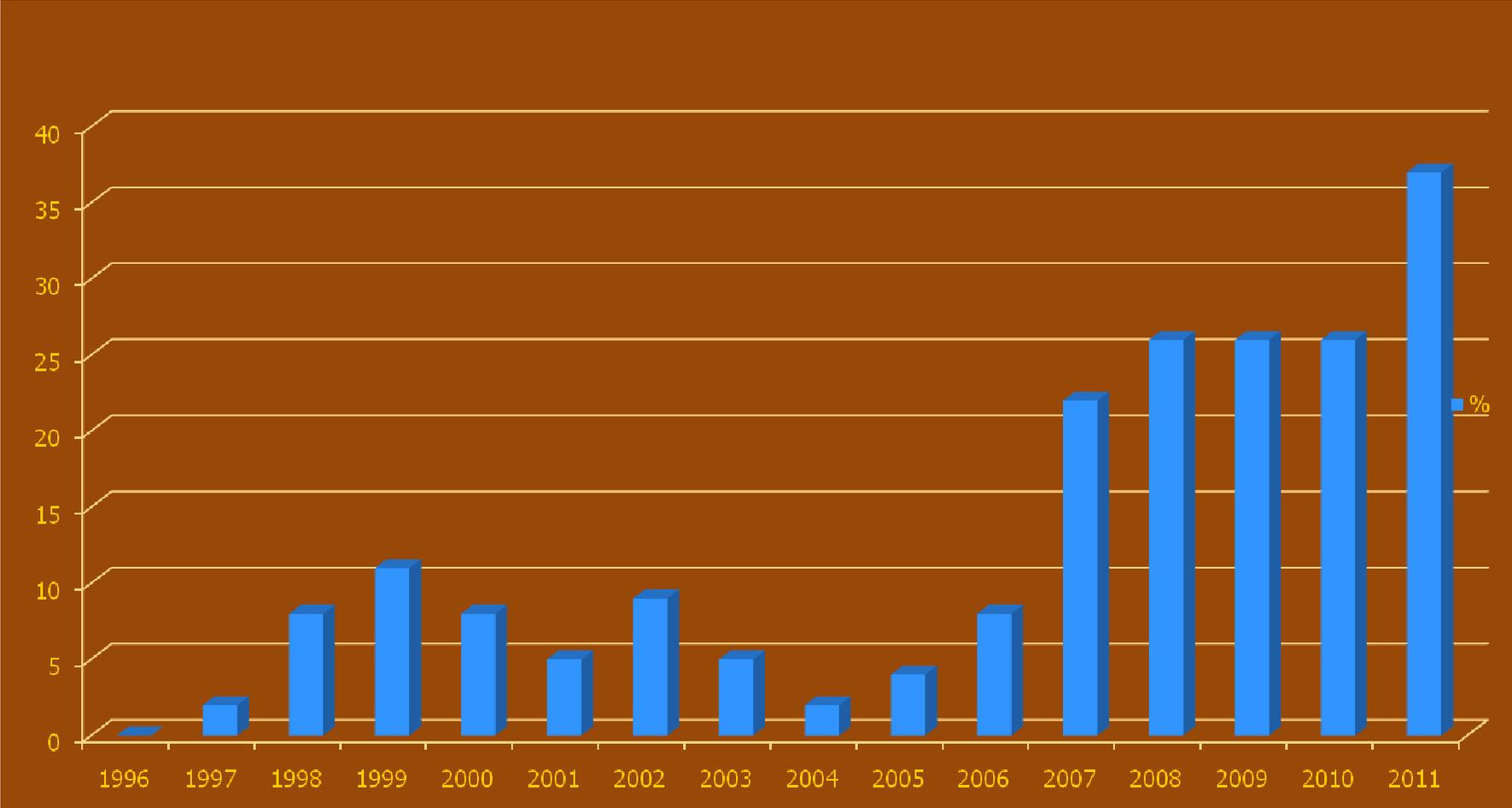
	DISCLOSURE	NOVELTY	NON-OBVIOUSNESS	UTILITY
PATENT	YES	YES	YES	YES
PATENT OF INT.	YES	YES	YES	YES
UTILITY MODEL	YES	YES	NO	YES

UTILITY MODEL (APPLICATIONS)



1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
4	9	9	22	17	47	8	43	56	43	60	74	98	121	172	174
957															

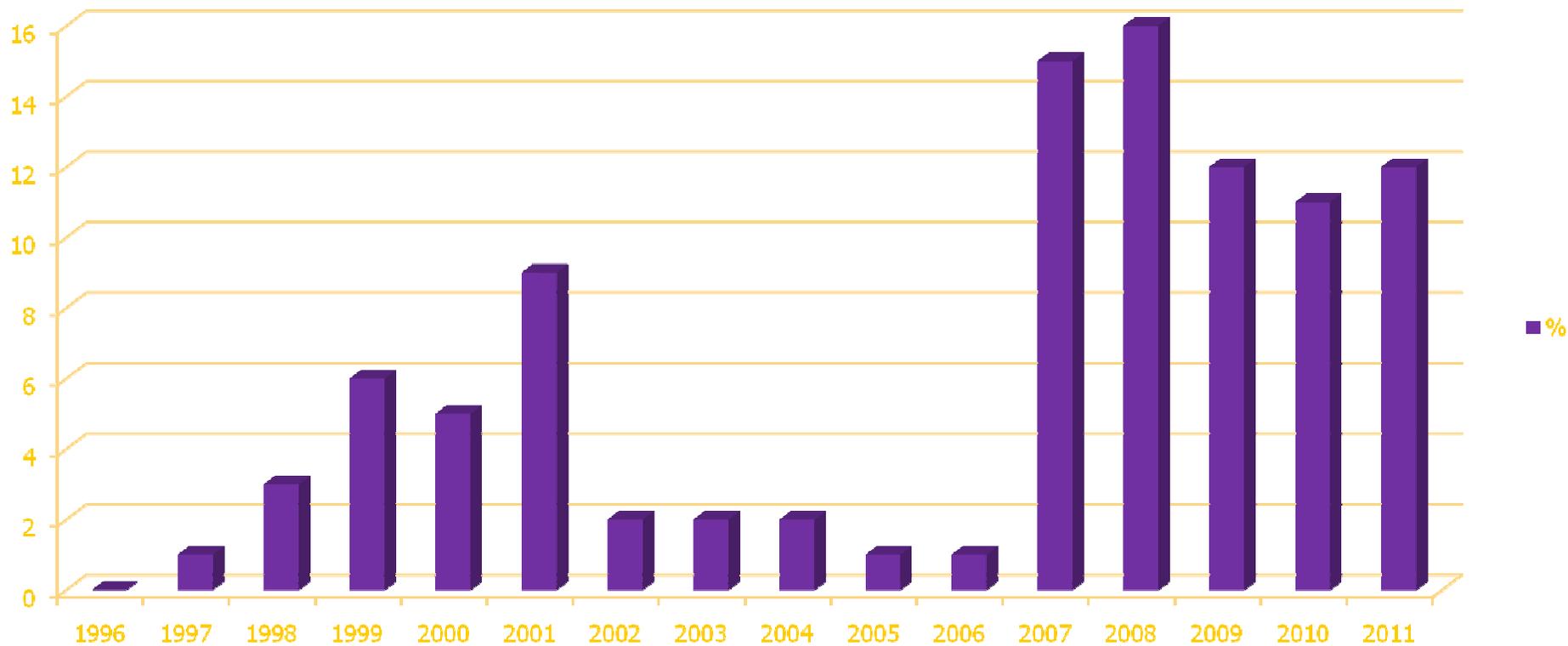
PATENT (APPLICATIONS)



1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
0	2	8	11	8	5	9	5	2	4	8	22	26	26	26	37

199

PATENT OF INTRODUCTION (APPLICATIONS)



1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
-	1	3	6	5	9	2	2	2	1	1	15	16	12	11	12

GRANTED

1996 - 2011

PATENT	57
PATENT OF INTRODUCTION	78
UTILITY MODEL	368
total	503

1996 - today

	FILED	GRANTED
PATENT	210	58
PATENT OF INTRODUCTION	121	89
UTILITY MODEL	1228	434
TOTAL	1559	581

National Exhaustion

- A national committee, lead by the Deputy Prime Minister, is established for the exhaustion of patents by :
 - Promoting investment and innovation
 - Enforcing the use of Intellectual Property.
 - Facilitating technology transfer by assisting especially selected inventions.

Challenges facing the IP System in Ethiopia

- . The globalization of the economy " *The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs Agreement)*
 - Need to amend existing IP legislation
 - Need to adopt new IP laws
 - New institutions have to be created
 - . The emergence of new developments in the technology field
 - Information and communication technology
 - Biotechnology
- New areas of Protection
- Traditional Knowledge
- The Low level of awareness and knowledge of the system among the
 - potential users in the country
 - Lack of Institutional IP policies and management units
 - Weak coordination between IP policies and other relevant government
 - policies.
 - Weak institutional capacity and in particular there is a lack of
 - experienced and well-qualified officials for IP administration

Challenges facing the IP System in Ethiopia

- The Low level of awareness and knowledge of the system among the potential users in the country
- Lack of Institutional IP policies and management units
- Weak coordination between the IP office and other relevant government institutions
- Weak institutional capacity and in particular lack of experienced and well-qualified officials for IP administration

THANK YOU