



CREATING AWARENESS IN A DEVELOPING COUNTRY: THE EXPERIENCE OF MALAWI

Chifwayi M.K. Chirambo, Chief Assistant Registrar General
(IP), Registrar General's Department, MALAWI

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)
REGIONAL SEMINAR ON THE PATENT COOPERATION
TREATY (PCT) FOR SELECTED AFRICAN COUNTRIES,
GABORONE, BOTSWANA, SEPTEMBER 12, 2019.

THE NATIONAL IP OFFICE

- The Department of the Registrar General is a Government Department in the Ministry of Justice and Constitutional Affairs responsible for, among other matters, the administration of Industrial Property Rights (IPRs)
- It is headed by The Registrar General, who is assisted by two Deputy Registrars General and a team of Assistant Registrars General
- www.registrargeneral.gov.mw



OUR LOCATIONS



► We have the following offices across the country:

✓ **BLANTYRE: HEADQUARTERS (46)**

3rd and 4th Floor Fattima Arcade,
Haile Sellassie Road

P.O. Box 100, BLANTYRE, Malawi.

✓ **LILONGWE: CENTRAL REGION
SATELITE OFFICE 1 (12)**

Ground Floor Pagat House, Off Paul
Kagame Highway

P.O. Box 1780, LILONGWE, Malawi.

✓ **MZUZU: NORTHERN REGION
SATELITE OFFICE 2 (10)**

2nd Floor IK House,

Copyright Chifwayi M.K. CHIRAMBO 2019

P.O. Box 912, MZUZU, Malawi.

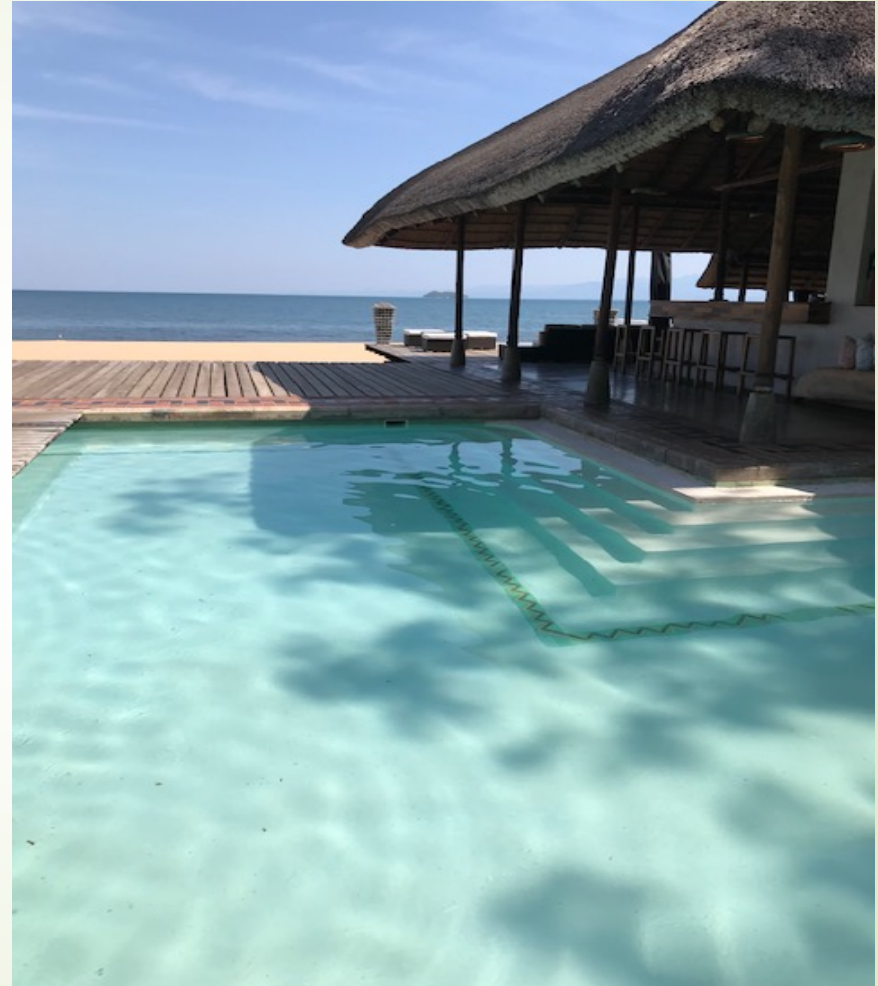


OUR MANDATE



To administer, amongst other laws, the following Industrial Property legislation:

- A. Trademarks Act (No. 2 of 2018);
- B. Patents Act (Cap.49:02); and
- C. Registered Designs Act (Cap.49:05)



NATIONAL IP INSTITUTIONAL FRAMEWORK

5

- ❖ the institutions implementing the Intellectual property issues are diverse.
- ❖ IP issues are the responsibility of the following institutions:
 - **the Registrar General:** under the Ministry of Justice, responsible for industrial property (patents, trademarks and designs) and all national IP policy matters;
 - **the Copyright Society of Malawi (COSOMA):** a statutory corporation under the ministry responsible for Culture, deals with copyright issues (policy, administration and also operates as a Collective Management Organization (CMO));
 - **Ministry of Industry, Trade and Tourism:** is responsible for trade related aspects of IPR; and
 - **The National Commission for Science and Technology (NCST)** – promote, support, coordinate and regulate the development and application of science, technology and innovation in order to create wealth.



A Summary of Key National Laws on Intellectual Property

- ❖ Patents Act
- ❖ Trademarks Act
- ❖ Registered Designs Act
- ❖ Copyright Act
- ❖ Arts and Craft Act
- ❖ Environmental Management Act
- ❖ Forestry Act



AWARENESS INITIATIVES

7

- Historically, awareness and sensitization initiatives were sporadic and lacked focus
- Mainly focused on seminars and workshops
- However, lately there has been a shift from general awareness and sensitization to a more focused and sector-specific approach mainly targeting:
 - Micro, Small and Medium Enterprises (MSMEs);
 - Research Institutions;
 - Academic institutions- universities, technical colleges;
 - Professional bodies and associations such as the Malawi Law Society; and
 - Parliamentarians and policy-makers.



OFF THE BEATEN IP PATH IN SEARCH OF....NOVELTIES

- ✓ **Tourism Expo 2019** – scouting for opportunities to implement place branding good practices.
- ✓ **ICT Expo 2019**
- ✓ **Mzuzu Fashion Week 2019** – tapped into the MIP Alumni Network and organized Counsel Mercy Msukwa to speak on IP and the Fashion Industry in Malawi.
- ✓ **IP Lecture series** – Innovation Hub (The Polytechnic) and Project IPI
- ✓ **Seminar on the Trademarks Act and the Madrid System for the International Registration of Marks for Attorneys and Agents, Jan 2019**



CHALLENGES

9

A general lack of IP awareness at all levels;

- ❖ For a long time, absence of policy guidance on IP matters – National IP Policy and Implementation Strategy (NIPS) was a draft for a long time until it was adopted by Cabinet on 2nd April, 2019, and launched on 3rd May, 2019;
- ❖ Old Patent Act – pre-colonial, 1958 Act;
- ❖ Need for a critical mass of IP experts across all disciplines to champion IP matters at institutional level;
- ❖ The challenges that come with being party of mainstream civil service (low and ill-trained staff, limited budgets etc);
- ❖ Low budgetary allocation for R&D:
- ✓ R&D expenditure uncoordinated, sporadic and mainly at institutional level;
- ✓ Poor inter-institution coordination on research activities resulting in resource wastages due to reinvention of the wheel and research duplication; and
- ✓ The National Innovation Fund yet to be activated.

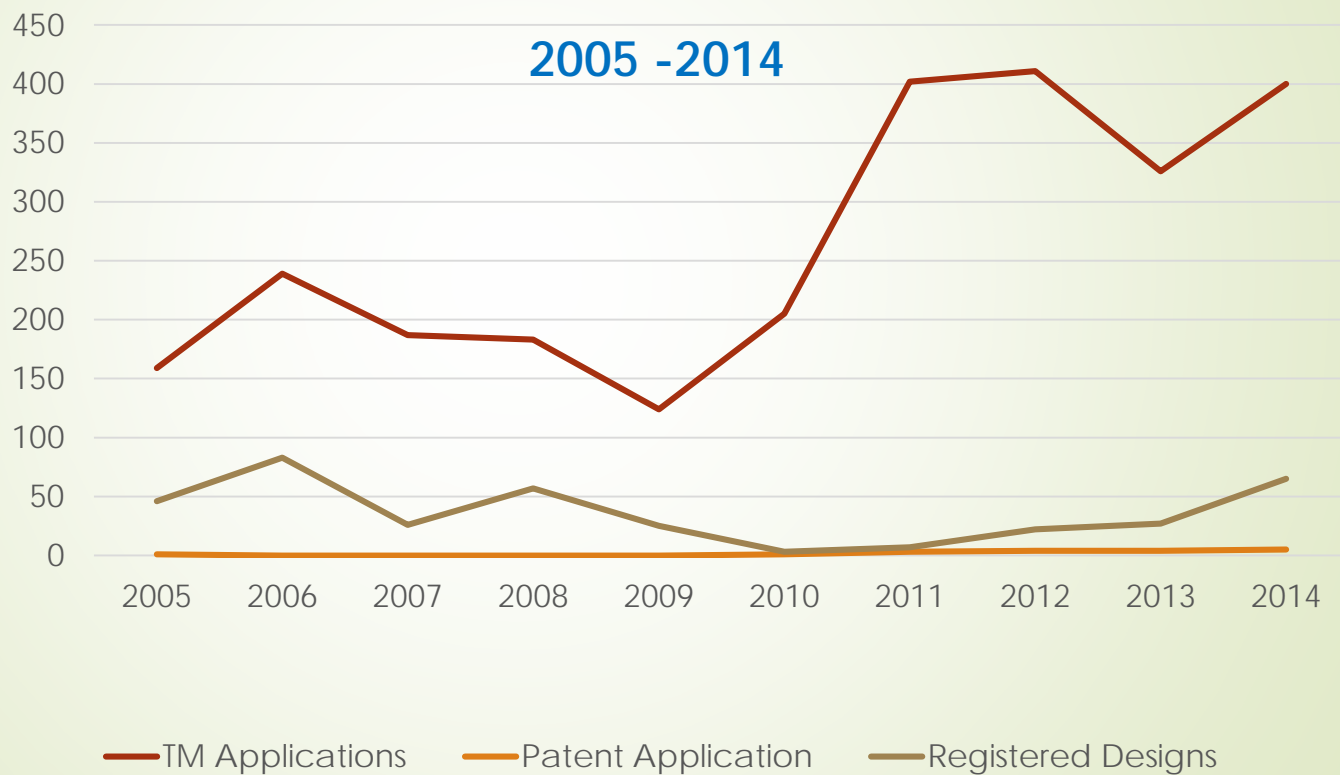


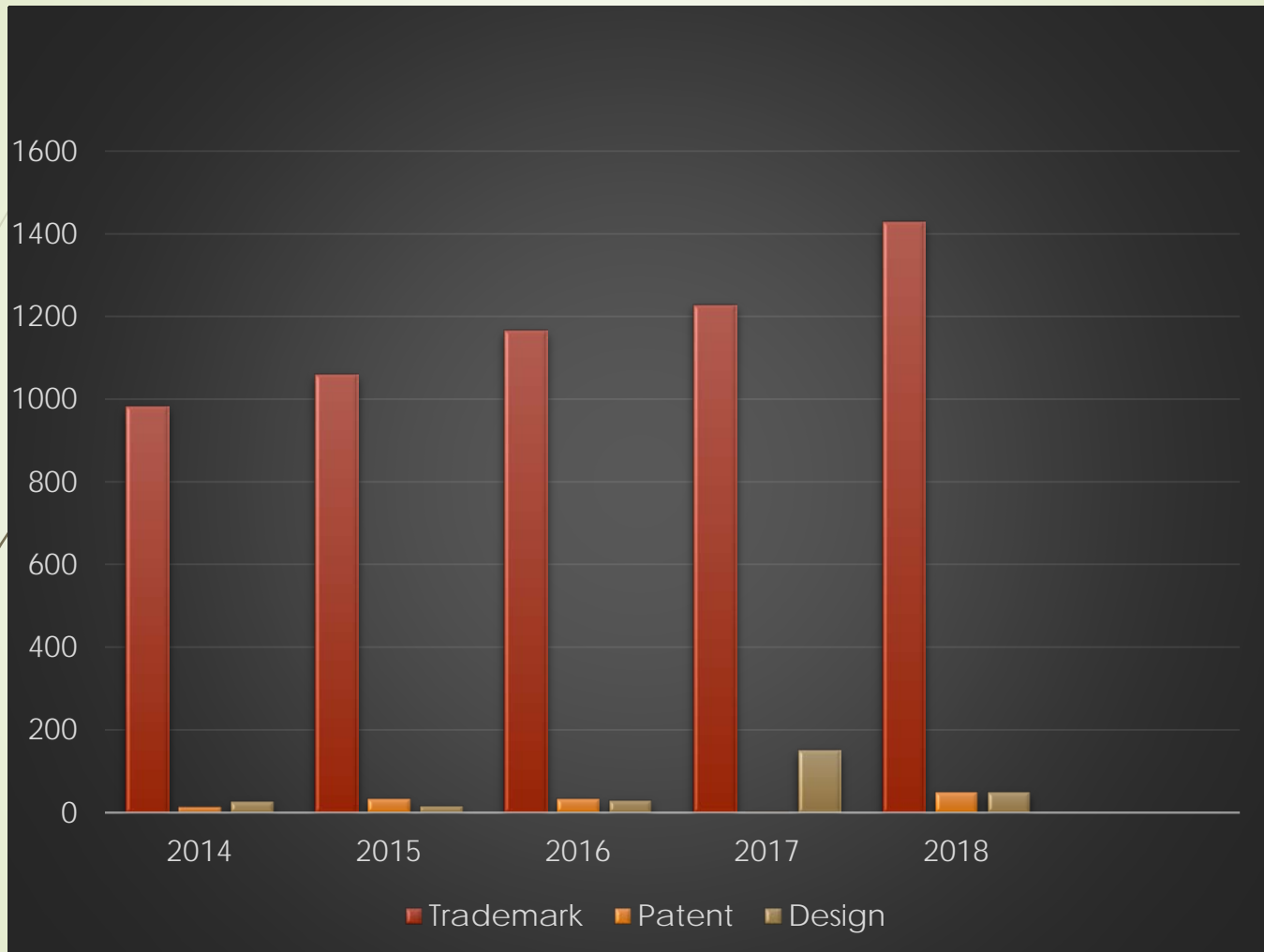
ALMOST NON-EXISTENT PATENT FILINGS

- Too expensive?
- Too high-tech?
- Too complex?
- Lack of Patent drafting capacity?
- Absence of the gateway form of protection for inventions –
Would Utility Models fill this void?
- Disconnect between researchers, industry and the IP System?
– our academics are still stuck to the “Publish or Perish” culture
and therefore fail to see their research processes through to
protection and commercialisation

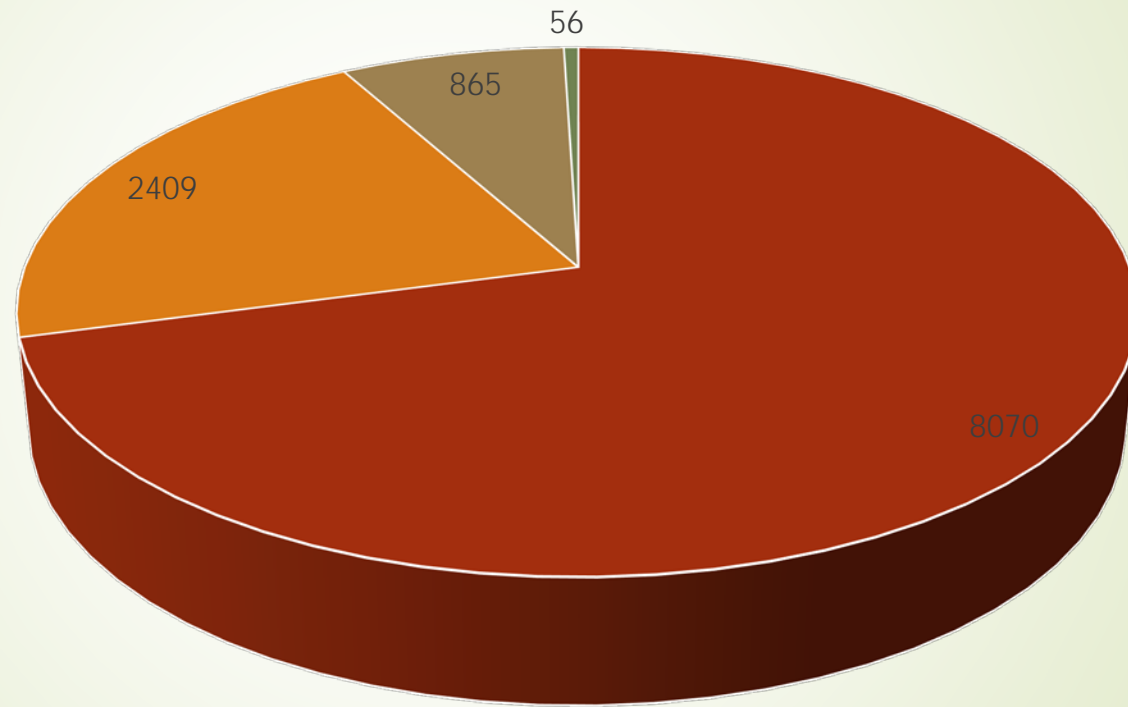


INDUSTRIAL PROPERTY APPLICATION STATISTICS





Designations for Malawi: 1984 - 05/09/2019



■ Patents ■ Trademarks ■ Industrial Designs ■ Utility Models

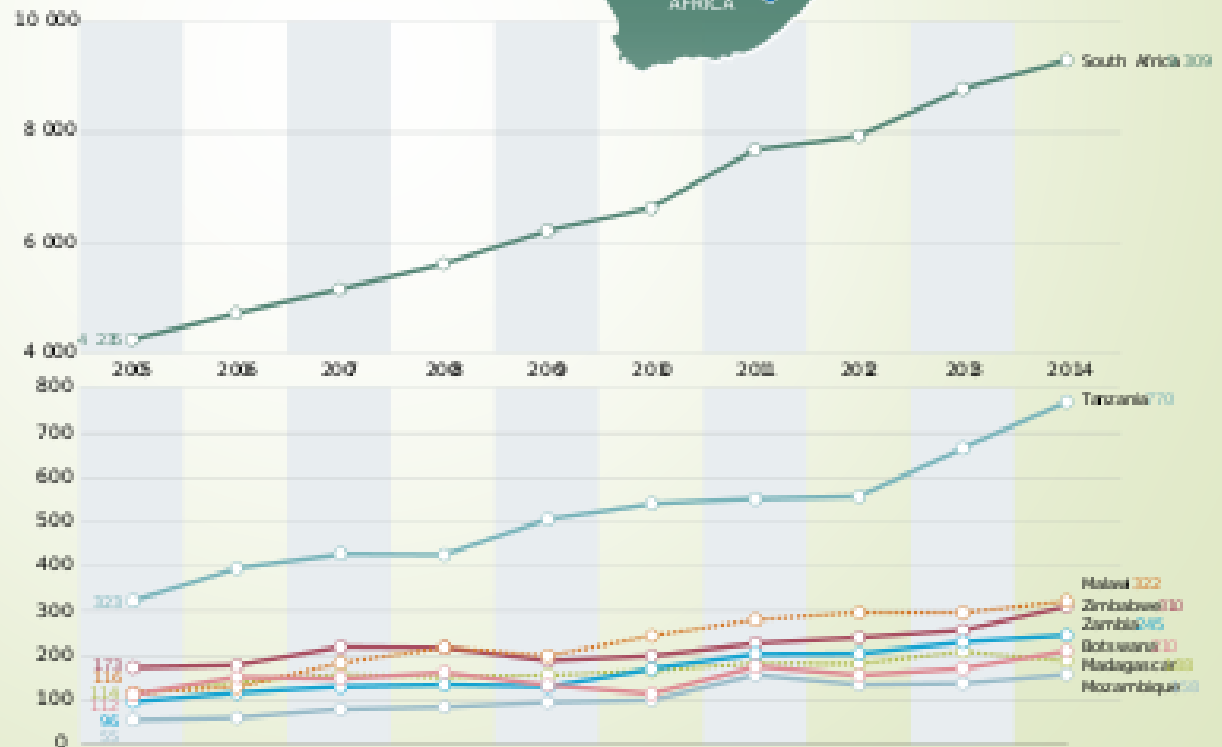
ACADEMIC
CULTURE OF
PUBLICATION:
MOST
RESEARCH
ENDS AT
PUBLICATION –
VERY LITTLE
COMMERCIALI
SATION

Scientific publication
trends in SADC countries,
2005–2014

1.20

Average citation rate, 2008–2012, for the four countries
with the most output: South Africa, Tanzania, Malawi
and Zimbabwe; the G20 average is 1.02

Output from Malawi and Mozambique has
almost tripled since 2005



POSSIBLE SOLUTIONS

15

- ❖ **Complete overhaul of the IP legal framework** – a review of the 1958 Patents Act is currently underway to address shortfalls and include issues of strategic national interest such as TK and GR and the introduction of Utility Models as a gateway mode of protection
- ❖ Full automation of IP processes at the National IP Office with assistance from WIPO in order to improve service delivery
- ❖ **Improved inter-institution cooperation** – bilateral agreements under the umbrella of the TISC Institutional Agreement are being encouraged
- ❖ **Improved organization of IP Stakeholders** – setting up of the Inventors Association of Malawi, for instance, will go a long way towards raising the profile of inventors
- ❖ **Improved access to technological information for use in research and development** – scaling up of the TISC Project with at least one very active TISC implementing policies to morph into a Technology Transfer Office (TTO)
- ❖ Promotion of the use of IPRs as collateral in accessing finance by SMEs - PPSA



❖ Policy-motivated Institutional Reform Of The National IP Office

16

- **Informed by the National IP Policy and Strategy**
- **Policy Priority Area 1:** provides for the creation of an effective institutional framework for modernizing the administration of Intellectual Property Rights (IPRs)
- **Policy Strategies for Achieving the Policy Objective:**
 - ❖ Development and implementation of a modernization plan for the Department of Registrar General in order to create a modern autonomous agency;
 - ❖ Development of a legal framework for the establishment of an autonomous office responsible for the administration of intellectual property and other mandates of the Department of Registrar General; and
 - ❖ Development and adoption of an operational business model.

THE MALAWI TECHNOLOGY INNOVATION SUPPORT CENTRES (TISC) NETWORK



OBJECTIVE

- Promotion of access to scientific and technological information in Malawian universities and research institutions, and its appropriate use in research.



POLICY CONTEXT: NATIONAL INTELLECTUAL PROPERTY POLICY STRATEGY PILLAR 8

- ➔ Enhancing the use of Intellectual Property (IP) for economic development and establishment of IP support structures





NATIONAL COMMISSION FOR SCIENCE AND TECHNOLOGY

A nation with scientifically and technologically led sustainable growth and development



UNIVERSITY
OF MALAWI



THE TISC NETWORK IN MALAWI

- ❖ University of Malawi, Chancellor College, Zomba
- ❖ Malawi University of Science and Technology (MUST), Thyolo
- ❖ Mzuzu University (MZUNI), Mzuzu
- ❖ National Commission for Science and Technology (NCST), Lilongwe

UNDER ASSESSMENT AND POTENTIAL FOR INCLUSION:

- ✓ University of Malawi, The College of Medicine, Blantyre
- ✓ University of Malawi, The Kamuzu College of Nursing, Lilongwe
- ✓ **DMI St. John The Baptist University, Mangochi Campus**
- ✓ The Polytechnic (Design Lab and The Innovation Hub)
- ✓ Lilongwe University for Agriculture and Natural Resources (LUANAR)

25/09/2019
9 16:41:59



CHALLENGES FACED

21

- **Administrative and teething issues:** at least two of the four centres are facing administrative and teething issues which are affecting the speed at which they are growing. MZUNI has had no Vice Chancellor for over a year now, leaving operations in a policy limbo and slowing down implementation. MUST has relocated the centre a few times before settling it under the Library and Information Services;
- **Resource Constraints:** most of the centres have faced challenges with the implementation of their very ambitious three year strategic plans due to resource unavailability which stems from the fact that the centres were unbudgeted for in the current and previous financial years. This has negatively impacted efforts to improve their visibility within their respective institutions;
- **Capacity Building:** there is need for a continuous training and re-training program, especially in centres which have experienced staff turnovers or added to the initial team of dedicated TISC staff;
- **Connectivity and Communication challenges:** lack of video conferencing equipment in the centres has hindered them from participating in webinars and video conferences which form the bulk of capacity building initiatives offered to them by WIPO.





23

THANK YOU FOR YOUR KIND ATTENTION