



WIPO

INTER-REGIONAL FORUM ON DEVELOPMENT AND SERVICE ORIENTED IP ADMINISTRATION

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DRAFT

**Business modernization of IP institutions in Kenya
and Africa: use of information technology in IP
management**

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Introduction to commercial exploitation of IP

Intellectual property (IP) is divided into two broad categories:

- copyright and related rights; and
- industrial property. This includes:-
 - patent
 - trade secret (TS)
 - trade mark (TM, ®)
 - utility model (UM)
 - industrial design (ID).
 - unfair competition (UC)
 - geographical indication (GI)
 - mask work or layout of integrated circuits
 - plant breeder's right (PBR)



2. The role of IP Offices

- administer intellectual property rights
- provide technological information and training on intellectual property to the public
- promote inventiveness and innovativeness.



3. IP administration under the manual system

- Before modernisation or automation of IP Offices, a manual IP system was used.
- Applications and registration of industrial property were done physically.
- Utility model, industrial design, trade mark and patent, applications were processed physically.
- It involved lodging physical applications; physical searches, physical examination; physical certificates.



3.1 Constraints to IP administration under the manual system

- Inefficient, slow and time consuming
- Tedious and cumbersome
- Missing or lost files
- Paper work and wastage of paper
- Mistakes and inaccurate recording of information
- Weak data management and analysis
- No international searches



Modernisation and automation of IP offices

- Industrial Property Automation System (IPAS)
- Copyright automation system



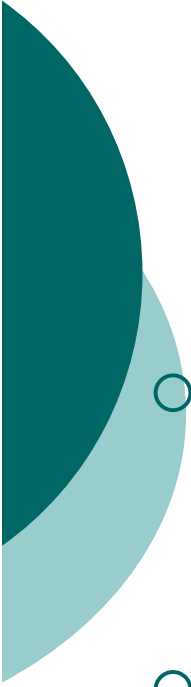
IPAS

- IPAS is a software developed and owned by WIPO.
- IPAS is used to modernize national industrial property (IP) offices in developing countries, LDCs and economies in transition.
- Used for trade marks, patents, industrial designs and utility model.
- It facilitates interactions and exchange of information within the IP office and also e-communication with WIPO and other national IP offices.
- The automated system was introduced in recognition of the critical role that ICT plays in the management, generation, valuation, protection, dissemination and exploration of intellectual property.



IP applications covered in IPAS

- application reception,
- formality checking,
- search and examination,
- official notifications and correspondence,
- printing of certificates,
- publication of official gazettes,
- opposition procedures,
- registration,
- renewals, assignments and amendments.



Objectives of WIPO's automation assistance

- To enhance efficiency of IP registration through simplification and automation of business procedures.
- To help in the creation of national industrial property databases.
- To improve service delivery and satisfy automation requirements in the framework of modernisation.



WIPO's automation assistance

IPAS is provided by WIPO's Intellectual Property Office Services Support Division (IPOSSD). It assists IP offices by:

- providing the necessary ICT infrastructure.
- customizing the IPAS software
- providing necessary training and knowledge transfer.
- emphasising the IP Office's involvement & ownership;
- focusing on the IP Office's capacity building;
- close monitoring and follow up after deployment; and
- post-deployment evaluation to assess the impact of automation.



Other WIPO ICT initiatives

- WIPOnet,
- Intellectual Property Digital Libraries (IPDL),
- Distance Learning (DL).

The automation assistance falls under the responsibility of the WIPO Programme “Business Modernization of IP Institutions” which is executed by the IP Office Support Services Division of the WIPO Technical Assistance and Capacity Building section.



Countries that are potential recipients of WIPO's automation assistance

169 countries are potential recipients of automation assistance from WIPO.

- 45 African countries,
- 19 Arabic countries,
- 31 countries in transition,
- 41 countries from the Asia Pacific region,
- 33 countries from the Latin America and Pacific region.



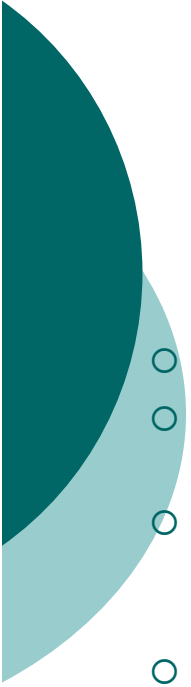
Countries using IPAS

- **Kenya**

- IPAS was introduced and installed at KIPI in November 2002 with the technical assistance of WIPO.

- **African countries**

- Ethiopia Intellectual Property Office, Lesotho, Namibia, Nigeria, Zimbabwe, Tanzania, Ghana, and Malawi.



ARABIC COUNTRIES USING AN ARABIC equivalent of IPAS (the Arabic IP Management System (AIPMS))

- **Algeria:** National Institute of Industrial Property (INAPI)
- **Bahrain:** Industrial Property Department - Ministry of Commerce
- **Egypt:** Egyptian Patent Office - Academy of Scientific Research & Technology (ASRT)
Industrial Design office - Ministry of Supply and Internal Trade
- **Libya:** Trademarks Office - General People's Committee for Economy and Trade
- **Oman:** Trademarks Office - Ministry of Industry & Commerce
- **Qatar:** Trademark Office - Ministry of Economy & Commerce
- **Sudan:** Industrial Property Department - Ministry of Justice
- **Syria:** Industrial Property Department - Ministry of Economy and Trade
- **Tunisia:** National Institute of Normalization & Industrial Property (INNORPI)
- **Yemen:** Industrial Property Department - Ministry of Industry and Commerce



Automated developed IP offices

- Developed countries do not receive automation assistance from WIPO. But most IP offices in developed countries are automated.
- For example, USPTO uses Patent Automation System, Japan Patent Office and European Patent Office are automated



IPAS modules

1. The Trade Mark Module

1.1 The Madrid sub module

2. The Patent Module

2.1 Industrial Design sub Module

2.2 Utility Model sub Module

While utility model and industrial design are stand alone industrial property rights, for purposes of IPAS, they are considered sub modules of the Patent Module.



IPAS database

Information in the modules is kept in:

- database for local and international trade marks; and
- database for patents, utility models and industrial designs.

It is based on Oracle database management software. IPAS will be upgraded to Java web-based technology in the future. IPAS can also work with other commercially popular database software like SQL Server and Informix.



International classifications

- International Patent Classification (IPC) (Strasbourg Agreement).
- Classification under the Nice Agreement concerning the international classification of products and services.
- Vienna classification of the figurative elements of marks under the Vienna Agreement.
- International Classification of Industrial Designs (Locarno Agreement)



IPAS usage and functionalities

Trade mark functions

- Reception of applications
- Logos and images for figurative marks are scanned and uploaded to IPAS.
- Formality checking
- Examination and searches.
- Renewal of marks.
- Journal and gazette publication.



Patent, utility model and industrial design functions

- Patent, utility model and industrial design protection and promotion
- Reception of applications
- Formality checking
- Examination and searches
- Annual maintenance of patents.
- Journal and gazette publication.



General functions

- Reception and processing of user documents.
- Office notification and documents.
- Printing of industrial property certificates.
- Amendments to applicants' file information.
- Assignment of industrial property rights.
- Computations, compilation and production of IP statistics reports, for example the number of applications processed in a given period of time.
- Archiving and storage of applicants' information.



5. The Copyright automation system

- Unlike industrial property, copyright exists automatically. It has fewer formalities.
- Kenya's Copyright Board is not automated.
- The US Copyright Office utilises a copyright automation system called Copyright Office Electronic Registration, Recordation and Deposit Systems (CORDS).
- CORDS receives and processes digital applications and digital deposits of copyrighted works for electronic registration.



The role of WIPO in the modernisation of IP offices

- installation and customizing of the IPAS software.
- reviewing working methods, procedures and manuals of the individual IP office.
- advising on selection, purchase and installation of hardware and software
- providing a Regional Expert
- Providing overall technical oversight, advice and guidance prior to, during and after the installation of IPAS;
- Carrying out a needs analysis prior to the installation of the system
- ICT infrastructure upgrade through purchase of new computers and networking the IP office.
- Providing training on IPAS to the IP Office's technical staff (knowledge transfer).
- Trouble-shooting
- Continued follow-up and evaluation.



The role of Government

- Decentralisation
- Political good will e.g. amendment of relevant laws
- Financial support
- Government training



The role of the IP Office in the automation process

- Commitment to institutional capacity building
- Staff training
- Data capture
- ICT upgrade
- Maintenance of equipment
- Collaboration with other IP offices



Cost-benefit analysis of automation

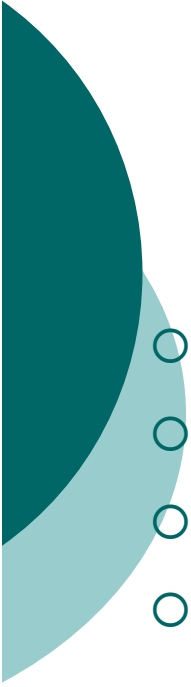
Contribution to business process and workflow

- Simplification of IP administrative and business procedures
- faster processing of applications
- higher accuracy of data;
- faster and reliable examination and searches;
- increased number of files examined by examiners;
- reduction in backlog, owing to faster processing of work;
- quick and timely generation of receipts, notifications, and certificates;
- quick, cheaper and simplified generation and publication of the official gazette notices and journals;
- improved and secure communication with internal users such as communication between examiners; and,
- timely dissemination of IP information to the relevant stakeholders.



Advantages of IPAS

- Administrative efficiency: faster processing of applications
- Cost reduction
- Enhanced integrity of searches and in IP procedures
- Access to databases: data archival and retrieval system; international databases
- Transfer of knowledge and capacity building



Challenges in the implementation and use of IPAS

- **Incomplete data capture**
- **Inaccurate information in the database**
- **Need for more training**
- **Lack of reliable stand-by electricity generator**
- **ICT infrastructure challenges: old computers, inadequate servers, internet connectivity**
- **Lack of essential databases: databases on WHO's generic drugs and Article 6 *ter* of the Paris Convention**



Recommendations

- Infrastructural upgrade
- Continued automation
- Continued training
- Continued validation of records
- Amendment/enactment of necessary legislation
- Expansion and upgrading of IPAS functionalities
- Link with regional IP Office: ARIPO
- E-fling and online tracking system
- Installation of essential databases



Conclusion

ICT plays a critical role in the development of competence, ability and skills to manage the registration, protection, dissemination, administration and exploitation of IP.

*******THANK YOU*******

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