Sub-Regional Workshop on the Development and Effective Use of Intellectual Property Statistics for ARIPO Member States

Harare, Zimbabwe, September 14 to 16, 2016

The Use of Trademarks Statistics

C.J. Kiige, Director, Industrial Property
Presentation overview

• ARIPO Background and Main Activities;
• Advantages of Trademarks;
• TM Filings trends;
• Advantages Statistics for IP Offices
• Possible Problems with statistics;
• ARIPO TM statistics;
• Some indicators for TM statistics;
• Actions needed to increase TM filings;
• Major Challenges Africa is facing with regard to the exploitation of IP
Membership (in blue Party to the Banjul)

- Botswana
- Gambia
- Ghana
- Kenya
- Liberia
- Lesotho
- Malawi
- Mozambique
- Namibia
- Rwanda
- Sao Tome & Principe
- Sierra Leone
- Somalia
- Sudan
- Swaziland
- Tanzania
- Uganda
- Zambia
- Zimbabwe

Fostering Creativity and Innovation for Economic Growth and Development in Africa
ARlPO Mandates

Patents and Utility Models

Industrial Designs

Trademarks
- Banjul Protocol (1993)

TK and folklore

Copyright
- Council Min (2002)

Access and Benefit Sharing
- Draft Regional Framework

Geographical Indications
- Regional Framework National Frameworks

Plam Variety Protection
- Arusha Protocol of 2015

Fostering Creativity and Innovation for Economic Growth and Development in Africa
Registration of IP Rights – ARIPO route

- Harare Protocol
- Banjul Protocol
- Swakopmund Protocol
- Trademarks
- Industrial Designs
- Utility Models
- Patents
- Traditional Knowledge
ARIPO Capacity Building & Awareness Programs

• The ARIPO Academy (Capacity Building)
• ARIPO-WIPO-Africa University Masters Degree Program (MIP) in Intellectual Property;
• Awareness and Search Services;
  – ARIPO Digital IP Library;
  – Free of Charge search services for National patent applications,
  – IP Roving Seminars
Banjul Protocol Membership

Out of the 19 Member States under the Lusaka Agreement, currently 10 are Members of the Banjul Protocol. These are:

<table>
<thead>
<tr>
<th>State</th>
<th>Effective Date</th>
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<tbody>
<tr>
<td>Botswana</td>
<td>October 29, 2003</td>
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<tr>
<td>Liberia</td>
<td>March 24, 2010</td>
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<tr>
<td>Lesotho</td>
<td>February 12, 1999</td>
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<td>March 6, 1997</td>
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<td>Namibia</td>
<td>January 14, 2004</td>
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<td>Sao Tome &amp; Principe</td>
<td>May 19, 2014</td>
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<td>November 21, 2000</td>
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<td>United Republic of Tanzania</td>
<td>September 1, 1999</td>
</tr>
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<td>Zimbabwe</td>
<td>March 6, 1997</td>
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Main Advantages of Trademarks

- Building confidence around the product and achieving a brand premium pricing;
- Opening up opportunities to enter new product segments;
- Penetrating new geographical markets;
- Improving the conditions for appropriating the returns on innovation whenever other means are not effective;
- Entering the market for trademarks (licensing);
- Saving on promotion expenditures (building loyalty);
- Achieving greater bargaining power against suppliers;
- Extending the protection conferred by other IPRs after their expiration date (namely patents);
Possible problems & Misunderstanding of statistics

\[ \text{My Hobby: Extrapolating} \]

As you can see, by late next month you'll have over four dozen husbands. Better get a bulk rate on wedding cake.

\[ \begin{align*}
\text{Number of Husbands} \\
0 & \quad \text{Yesterday} \\
1 & \quad \text{Today}
\end{align*} \]

\[ \text{Crack} \]

BOOM

Whoa! We should get inside!

It's okay! Lightning only kills about 45 Americans a year, so the chances of dying are only one in 7,000,000. Let's go on!

The annual death rate among people who know that statistic is one in six.
TM Applications received by Designation: 4700 Since Protocol

Trademark Applications by designation

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<th>Year</th>
<th>BW</th>
<th>LR</th>
<th>LS</th>
<th>MW</th>
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<td>1,315</td>
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<td>1,431</td>
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Origin of ARIPO Trademarks

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Designation of ARIPO TM Applications
Some Indications of Filings of TM at AR IPO & in Member states

• Most applications are of foreign origin;
• The limited number of filings indicate:
  – Restrictive & limited trade & investment;
  – Very few large companies are based in Africa;
  – Limited innovative activities;
  – Applicants are not sure of the national enforcement frameworks;
  – Inefficiency and long periods in the processing of applications, etc.
  – Limited knowledgeable human capital;
  – Limited Infrastructure like electricity, internet, etc.
Some Samples of Member States’ TM Filing Profiles

Country TM Profile: ZM

Country TM Profile: ZW

Trademark Registrations
- Resident
- Non-Resident
- Abroad

Source: WIPO statistics database; last updated: 12/2015
Some Samples of Member States’ TM Filing Profiles

Country TM Profile: LS

Country TM Profile: KE

Trademark Applications

Source: WIPO statistics database; last updated: 12/2015
Domestic Versus Foreign Trademark Registrations in percentage

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Ratio of GDP to number of TM registrations

- High Income
- Middle Income
- Low Income
Use of Statistics by ARIPO since 2013

• Monitoring of workload:
  – Quantity of incoming filings relative to staff resources;
  – Quality, timeliness, unit cost indicators;
  – Facilitation for training;
  – Facilitation of work flow and business processing, etc.

• Forecasting of IP filings:
  – Extrapolation of past trends;
  – Models with explanatory variables
  – Current challenges: estimating the effect of economic crisis on IP filing behavior, etc.

• Income forecasting:
  – Facilitate budgetary planning;
  – Facilitation of investments & Business activities, etc.
Actions Taken by ARIPO Increase TM filings

- Awareness drives to include political decision makers;
- Amend the Banjul Protocol to make it more attractive to users;
- Individual fee structure was introduced to attract more member states to join the Banjul Protocol;
- Rationalise and automate the business processing of the office;
- Reduction of TM processing to the minimum;
- Improve Infrastructure including internet speed, manpower and power supply, etc.
- Set up IP information help desk;
- Decision making was giving to the operations
Challenges to ARIPO & its Member States

• Limited diffusion of Education in Societies and lack of IP Awareness;
  – No IP curricula at all levels of Education;
  – Limited use of IP information including Statistics;
  – Limited Innovative activities;

• Infrastructural:
  – Limited Funding on all issues relating to IP;
  – Expensive and slow Internet services;
  – Erratic power supply
  – Few Personnel well versed in IP matters, etc.
Challenges to ARIPO & Member States (Continued)

- Legal Framework;
  - Limited Political Will & Awareness by Policy makers;
  - Limited Implementation of appropriate national IP Laws;
  - Lack of Appropriate IP Policies and Strategies;
  - Limited Domestication of Regional and International IP rectified Treaties;
  - Lack of IP knowledge by the Judiciary, Policy Makers & Enforcement Agents;
  - Limited Enforcement of IP rights in some countries;
  - Decision to amend all protocol must be debated and approved by Member states
Thank you

Address: 11 Natal Road, Belgravia, Harare, Zimbabwe
Tel: +263 4 794 065 /6/8/54/74
Fax: +263 4 794 072
Email: ckiige@aripo.org
    mail@aripo.org
Website: www.aripo.org