

WIPO Regional Training Workshop on IPAS Business Process Governance

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IPAS Automation Challenges and Opportunities – Botswana

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Companies and Intellectual Property Authority(CIPA) is an autonomous body set up by an Act of Parliament in the form of Companies and Intellectual Property Authority Act, 2011.

The Authority took over the mandate of the Registrar of Companies and Intellectual Property which was a Government Department under the Ministry of Trade and Industry. It became an autonomous body effective November 2014.

- As a Government Department the Registrar of Companies and Intellectual Property had four divisions being; Companies, Registration of Business Names, Copyright and Industrial Property division.
- CIPA now has Companies and Business names, Industrial Property, Copyright, Information Technology, Corporate Services and Board Secretary/Legal Services.

Companies and Intellectual Property Authority is responsible for implementing the following four pieces of legislation:

- ▶ **The Companies Act, 2003 No. 32 of 2004**, which provides for the incorporation of companies; registration of post incorporation returns and notices; monitoring of post incorporation returns and reservation of company names.
- ▶ **Registration of Business Names Act, [CAP. 42:05]**, which provides for registration of business names and post registration notices such as change of ownership and cessation of businesses..
- ▶ **Copyright and Neighboring Rights Act, [CAP.68:02]**, which provides for the protection of the rights of authors, artists and creators, as well as protection of their literary and artistic creations, which are generally referred to as “works”. These works include novels, poems, plays, films, musical works, and artistic works such as drawings, paintings, photographs and sculptures.
- ▶ **Industrial Property Act, [CAP.68:03]**, which provides for the protection of industrial property rights in relation to patents, trademarks, utility model certificates and industrial designs



Before 1996 the Industrial Property division was re-registering patents, trademarks and Industrial designs registered in South Africa and The United Kingdom.

In 1996 the new Industrial Property Act was introduced.

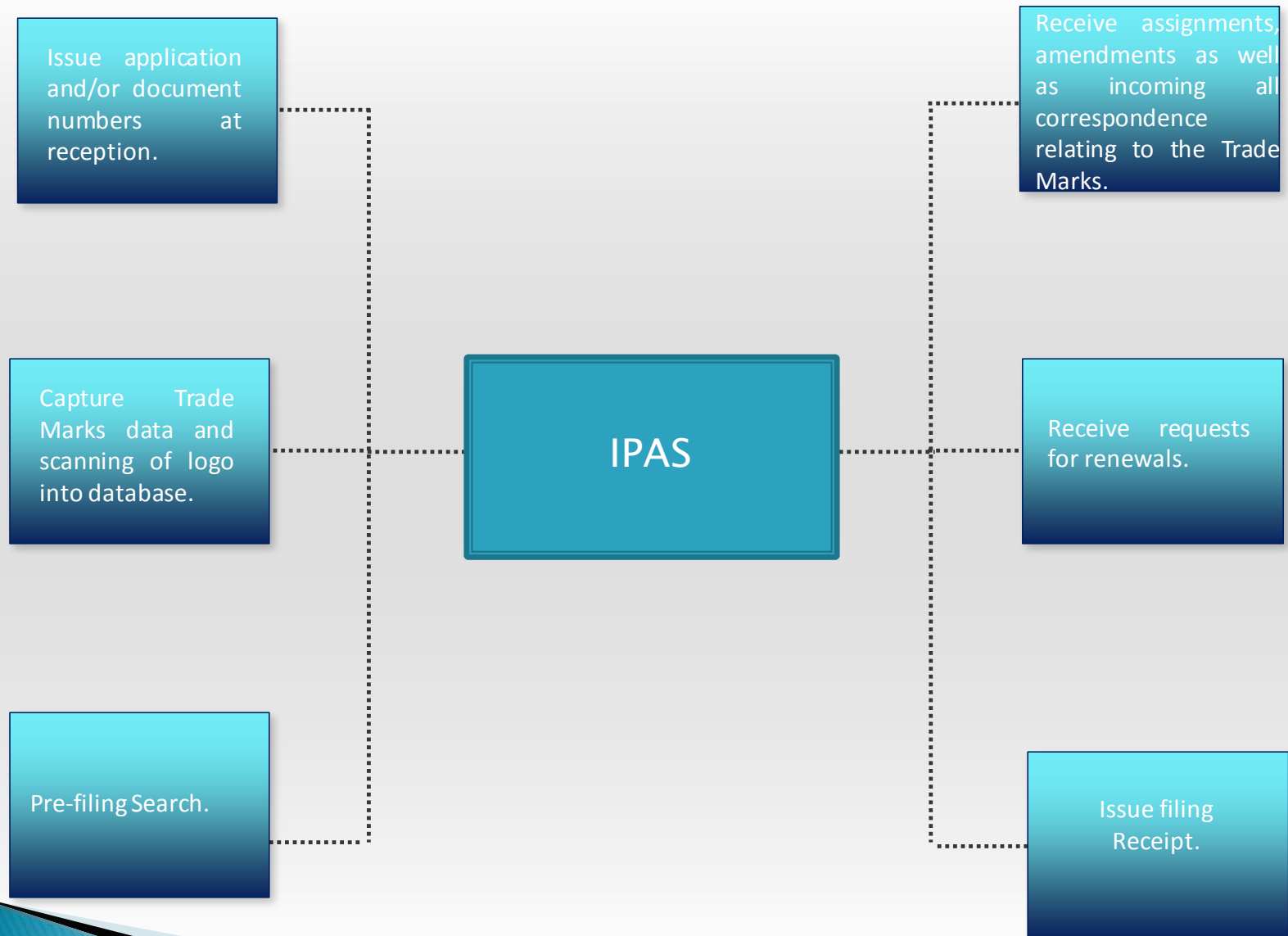
- ▶ Grant of Patents
- ▶ Registration of Industrial Design
- ▶ Registration of Utility Model Certificates
- ▶ To Grant Protection to Trademarks Relating Goods and Services
- ▶ Registrar Hears cases relating to Registration, Opposition matters
- ▶ Post Registration matters

Office created alphabetical index and pasted all figurative marks in notebooks and for all new applications received for trademarks examination purposes.

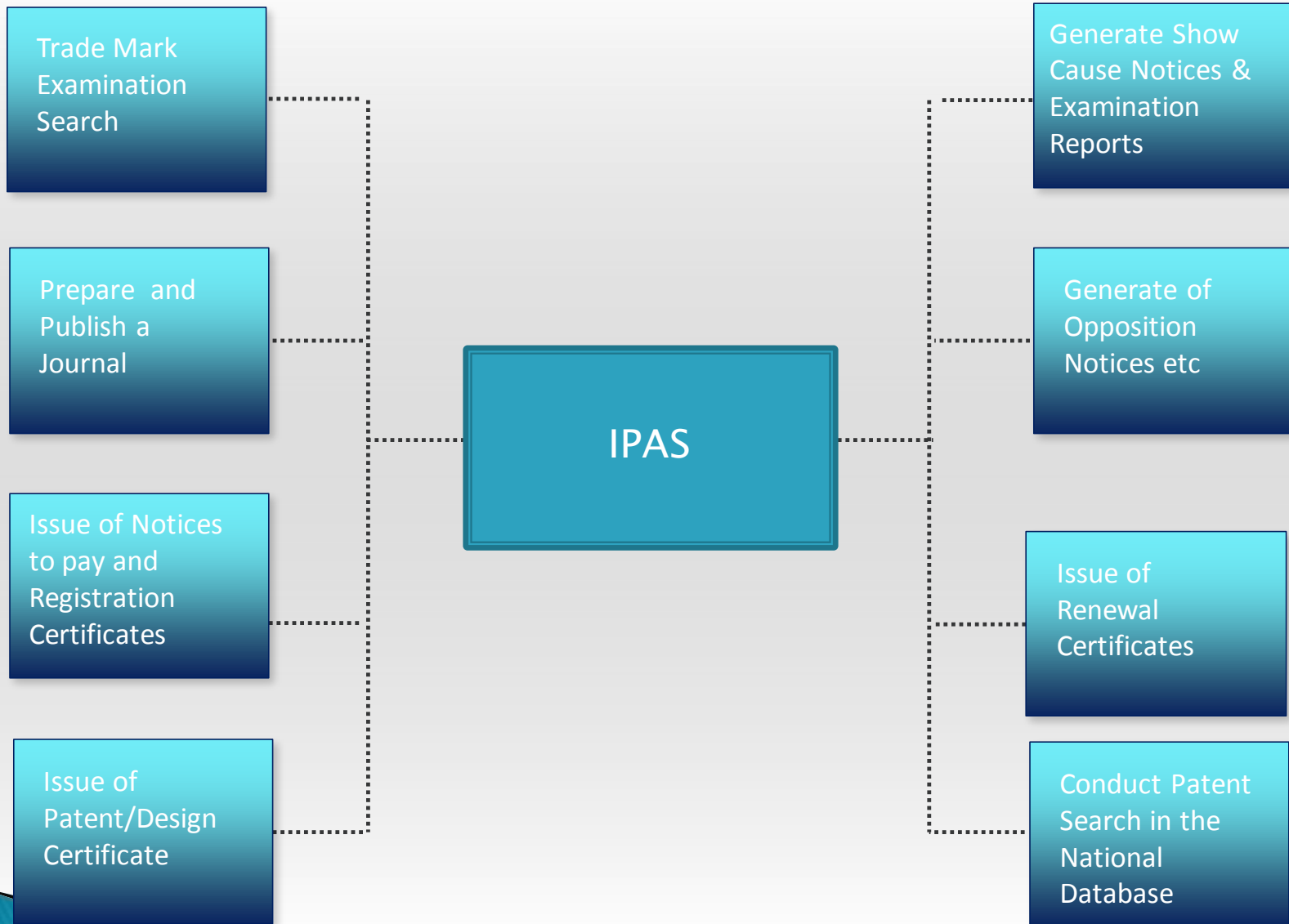
- ▶ Trademarks examination therefore took a longer period
- ▶ Trademarks searches took longer
- ▶ Journal was published every six(6) months
- ▶ Registration took nine months(9) months

- ▶ Automation of the Industrial Property started in 2004.
- ▶ The World Intellectual Property Organization Provided the Industrial Property Automated System(IPAS); software and hardware.
- ▶ The Project started with the capturing of all trademarks into the database in 2004.
- ▶ Patents were captured into IPAS in 2008

AUTOMATION OF BUSINESS PROCESSES conti....



AUTOMATION OF BUSINESS PROCESSES conti....



BENEFITS OF AUTOMATION

- ▶ Trademarks examinations are done faster.
- ▶ We are able to publish the trademarks journal on a monthly basis
- ▶ Pre-filing Search for word marks
- ▶ Trademarks are now registered in less than 5 months.
- ▶ Grant of Patents is done within 5days of receipt of Patent examination report.
- ▶ Easy preparation of statistical data
- ▶ Efficient management of employee productivity
- ▶ Linkage with the Companies database

CHALLENGES

- ▶ IPO management support for the Project
- ▶ Change management plan required for staff to move from a manual to an online environment
- ▶ IT Personnel should be available and trained on IPAS(knowledge transfer).
- ▶ Financial and Human resources for data capturing/validation at the beginning of the project
- ▶ Digitization of Records
- ▶ Vienna classification for all figurative marks

- ▶ Capturing all IP applications into IPAS and processing them online
- ▶ On-line filing of IP applications to improve accessibility.
- ▶ Quality control of information input into IPAS.
- ▶ Use of electronic signatures

- ▶ Providing for online payment systems(Electronic Communications and Transactions Act).
- ▶ Ownership of the network instead of the Government data network
- ▶ Giving IT a strategic importance for Service delivery.
- ▶ Recruiting and retaining IT personnel

CONCLUSION

- ▶ Automation has so far brought a great improvement in service delivery and can still be leveraged to increase customer satisfaction.
- ▶ Management buy in of an IPO is critical for the success of project.
- ▶ Knowledge transfer on IPAS from WIPO Experts to national IT Officers is of paramount importance.