

Basic aspects of Intellectual Property




Presentation Overview

- About URSB
 - What is Intellectual Property
 - Forms of Intellectual Property
 - Why protect Intellectual Property
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Services offered at URSB

Uganda Registration Services Bureau (URSB) is an autonomous statutory body under Ministry of Justice and Constitutional affairs.

URSB is responsible for registration of:

- Intellectual property rights, namely patents, trademarks, industrial designs and copyright.
 - Companies and business names, partnerships, documents, debentures and chattel transfers.
 - Civil marriages
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The role of URSB

- Confers ownership to creators of IP on registration.
 - Arbitrates disputes between claimants/ IP owners
 - Carries out awareness programs on IP
 - Advises government, it's agencies and the public on all matters related to IP
 - Initiates law reform and amendments of IP laws
 - Registers and oversees collective management organizations
 - Focal Point for the WIPO Technology Innovation Support Centre (TISC)
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What is Intellectual Property?

Intellectual Property – refers to creations of the mind, such as **inventions; literary and artistic works; designs; and symbols, names and images.**

Intellectual Property rights provide protection for creations and inventions, to enable creators and inventors to earn recognition and financial benefit from their work.



Forms of Intellectual Property

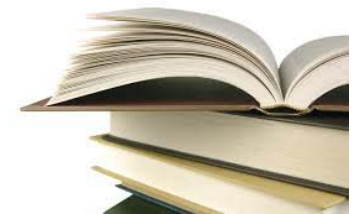
Copyright – Protects creative works like musical compositions, audio recordings, movies, books, articles, diagrams, photos, website content and software applications.

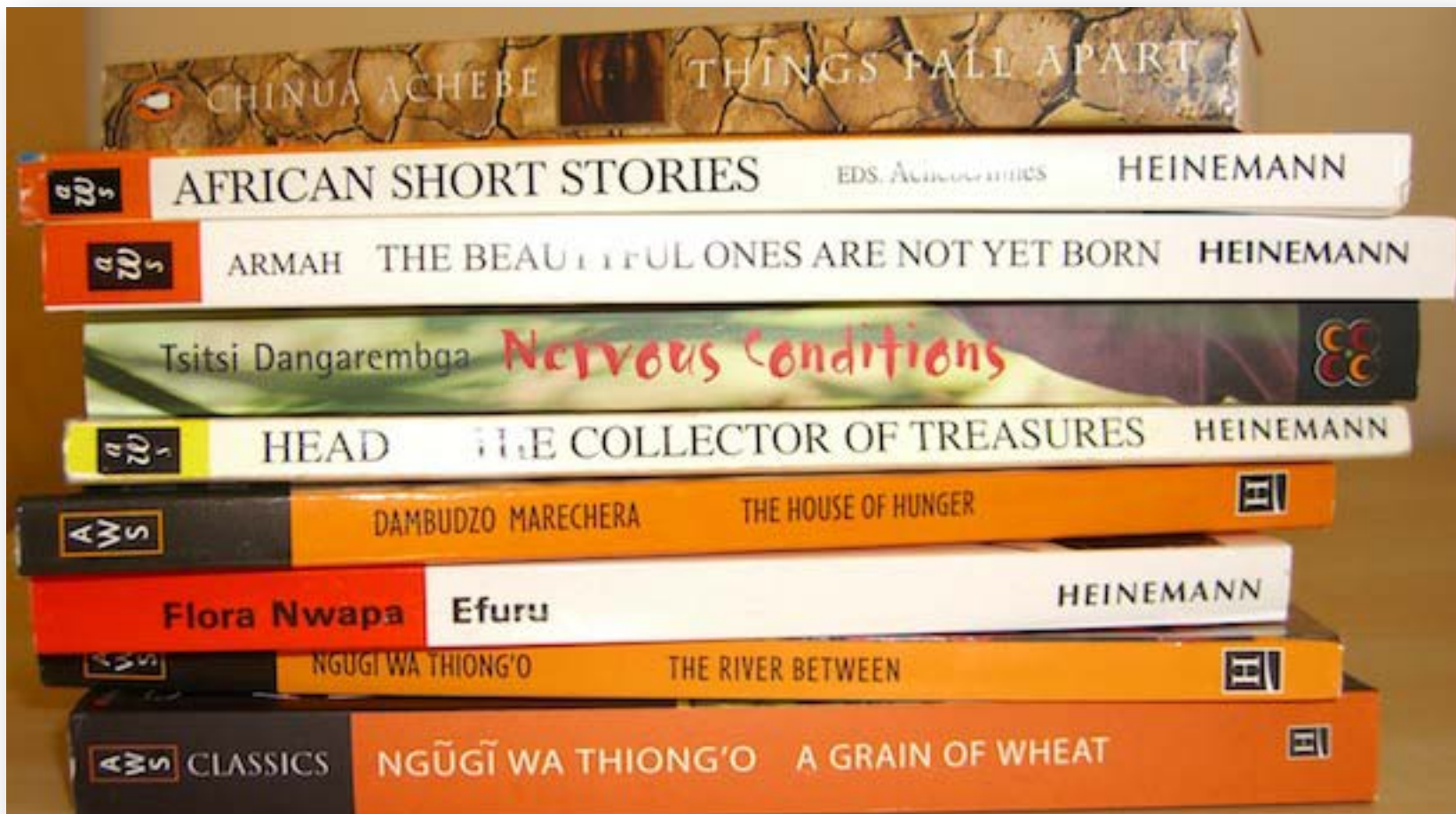
Work must be original or expressed differently to be protected under Copyright.

Copyright exists upon fixation of work in tangible medium; no registration necessary except for evidence or establishing ownership.

An author of a work has the following exclusive rights;

- Reproduction of a work;
- Distribution of copies of the work;
- Public performance of the work;
- Broadcasting of the work;
- Communicating the work to public by wire or wireless means;
- Commercial rental of the work.





Procedure for Copyright Registration

- Apply for registration. Fees for the application are UGX. 50,000
- Application will then be advertised in the gazette for 60 days.(fees are assessed by UPPC)
- After 60 days from the date of the advertisement in the gazette, a certificate of registration is issued. No fees are payable at this point.

Note. Copyright is valid for the life time of the owner and 50 years after his/her death



Trademarks

A trademark is a **distinctive sign or mark** used in trade to distinguish your goods or services.

Trademarks **identify the source** of products to the consumers.

A trademark can be any distinctive word, symbol, slogan, logo, brand label, name, signature, letter, numeral or any combination of them.

Distinguish products in market place and helps consumer to identify of source of product or service.



Procedure for Trademark Registration

- Carry out a **search** to ensure that the trademark is not identical or confusingly similar to existing trademarks; **Search fee is UGX. 25,000.**
- If its available ,**fill an application form** to formally apply. **Application fee is UGX. 50,000.**
- TM will then be **examined** and if found to qualify to be a trade mark in Uganda, a notice will be given for **publishing in the Uganda gazette**. Fees for publishing: assessed by the Uganda Printing and Publishing Co-operation but usually its around UGX. **300,000.**
- TM will be **published and after 60 days** if no one comes up to oppose it, applicant pays **UGX. 100,000 registration fees** and is given a **certificate of registration**

Note: Registration is for 7 years, after 1st renewal it is for 10 years and is renewable every 10 years



Industrial designs

Protects the **appearance of a product/logo**, from the shape of an aeroplane to a design of a cloth. The design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color.

An industrial design must be new or original and aesthetic to be protected.



Industrial design is what makes a product attractive and appealing hence adding commercial value to product and increase its marketability.

Term - 5 years renewable for 2 consecutive periods of five years

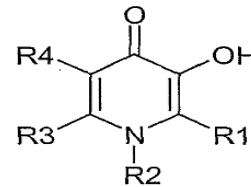
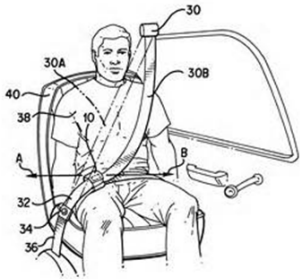
Geographical Indication(GI) - is a name or sign used on certain products which corresponds to a specific geographical location or origin (e.g. a region, or country). A Geographical Indication should have special quality or reputation.

Examples: Basmati rice, Swiss watches, Ethiopian coffee, Tequila for spirits produced in Mexico, Electrical appliance Made in UK




What is a Patent?

- A patent is an **exclusive right** granted by the state for an **invention** which is a **product** or a **process**.
- The product or process should provide in general, a new **technical solution** to a **problem** of any field.
- The exclusive rights are **territorial** and patent protection is granted for a **limited period**, generally 20 years.




Dr. G.W. Byarugaba Bazirake patented a method of processing fresh vacuum sealed (matooke)

Requirements for Patentability

- **Novel** – Must be new, not anticipated by prior art (available information).
 - **Inventive step (non-obvious)** - Not easily deduced by a person with average knowledge of the technical field.
 - **Industrially applicable** - Invention must be useful/ have utility.
 - The **subject matter** must be accepted as patentable under the national patent law.
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Matters excluded from Patentability

- A discovery, scientific theory or mathematical method is excluded from patentability, but its application or use can be patentable
 - Methods of doing business for example method of book keeping, trading stocks are not patentable
 - Diagnostic, therapeutic and surgical methods for the treatment of humans and animals.
 - Inventions contrary to public order, morality, public health and safety, principles of humanity and environmental conservation. For example process of cloning
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What is a Utility Model?


A Utility Model just like a Patent also protects inventions/innovations but for a shorter period.

The main difference between a Patent and Utility Model is that the requirements for granting a Utility Model are less stringent than for Patents. A product or process which is Novel and Industrial applicable passes for Utility Model, inventive step is not a requirement.

The term of protection for utility models is 10 years.



Rights of a Patent Holder

- Decides who may or may not exploit the protected invention.
 - Permits/licenses others to use the invention on mutually agreed terms.
 - The inventor can sell the invention outright.
 - These rights expire when the invention enters the public domain that is the public can now exploit the invention without authorization.
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The **Patent System** has two important functions:


1. Protection

A patent allows the patent holder to exclude others from commercially exploiting the invention covered by the patent in a certain country or region and for a specific period of time, generally not exceeding twenty (20) years.

2. Disclosure

A patent gives the public access to information regarding new technologies in order to stimulate innovation and contribute to economic growth.

There are about 80 million technologies that can be accessed in patent documents. These are technologies are in all fields, agriculture, electronics, pharmaceuticals, construction, energy e.t.c



Obtaining Patent protection

For one to obtain patent protection, a patent application must be filed with a patent office (URSB)

The application consists the following sections:

A **title** of the invention, **abstract**, **background art**, **description**, **claims**, **drawings** where necessary

Patent Application Procedure

Filing application → formal examination → prior art search & substantive examination → grant/ Rejection → publication

Application fee – UGX. 180,000

Registration Fee – UGX. 300,000

There are three possible **routes for filing a patent application**. These are:

- National route – Filing with URSB
- Regional route for example filing with ARIPO
- International route – filing a PCT application

Trade Secrets

A trade secret is any confidential information used in business that gives a competitive edge. The information must be secret; effort must be used to keep it secret; used in business; and gives an economic advantage by reason of it being secret.

Examples include formulae, recipes, pattern, technique, compilation, method, program, process, device or product mechanism.

No registration is required. This basically means that disclosing the secret would make the information far less valuable.

Examples : Coke Cola formula, KFC recipe



Trade secret remains valid as long as one does not discover it independently.

Some ways to protect a Trade secret – Restrict access to information; limit number of people who know the information, have employees sign non disclosure agreements.

Why promote and protect Intellectual Property

Fuels progress – Well being of humanity rest on its capacity to create and invent new work in area of technology and culture.

IP assets (*Patents, Trademarks, Copyright, Industrial design*) can be **traded like ordinary tangible assets** creating an extra **source of revenue**. Valuable intellectual property can be used to secure credit or attract investors/capital to your business.

Legal protection of new creations encourages the **commitment of additional resources for further innovation**.

The **exclusive rights** offer your goods or services a **competitive advantage in the market**. More to that protection reduces chances of conflict between competitors.

Spurs **economic growth**, creates jobs and industries, and enhances quality.



Conclusion

Creativity and innovation can transform any Society. We have to recognize it, foster it and protect it.



Thank you

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