INTER-REGIONAL FORUM ON DEVELOPMENT AND SERVICE-ORIENTED INTELLECTUAL PROPERTY (IP) ADMINISTRATION

Organized by
The World Intellectual Property Organization (WIPO)
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**THEME X:** “Regional and International Cooperation Among IP Administration: Global Vision Combined with Regional or National Outlook”

By G H Sibanda
DIRECTOR GENERAL
PART I: Background Information on ARIPO

PART II: Provisions in the Lusaka Agreement on International Cooperation among IP Administrations

PART III: ARIPO Protocols on International Cooperation Among IP Administrations

PART IV: Ministerial Decisions on International Cooperation Among IP Administrations

PART V: Tools for the Implementation of ARIPO Activities in Support of Cooperation Among IP Administrations

PART VI: Global Vision: International, Regional and National Perspectives

PART VII: Conclusion
Purpose
- Pooling resources together for coordination of IP Policies, development and harmonization of IP Laws in the African sub-region.

IP Infrastructure

Legal
- Non homogeneous, [Dependant laws, outdated laws, non existence, dual systems.

Institutional
- poor IP infrastructures, poor knowledge of IP, few inventions, lack of IP expertise etc.
ESTABLISHMENT

- Created by Diplomatic Conference [Lusaka, Zambia 1976]
- Initially restricted to English-speaking African Countries [ESARIPO]
  [Contradictory to the African Union Charter]
  [name changed from ESARIPO to ARIPO]
  [Restricted to promotion, harmonization and development of IP]
- Substantive Activities – Harare Protocol
  [titles protected patents and Industrial designs] Harare Protocol
  [utility models included later]
- Patent Information and Documentation Unit (PIDU)
- 1993 trademarks included [Banjul Protocol]
- 2002 copyright and related rights included
- In addition Traditional Knowledge Genetic Resources and Folklore were included
- Name changes from ARIPO to ARIPO
  [by change of the word Industrial to Intellectual]
LUSAKA AGREEMENT

- Treaty creating the Organization referred to as Lusaka Agreement.
- Provisions dealing with Cooperation among IP Administrations:
  - Article II Organs
  - Article III Objectives
  - Article IV Membership
  - Article V Special relationship
  - Article VI Cooperating states and organizations
ORGANS (Article II)

[Governance]

- COUNCIL OF MINISTERS
  - FINANCE COMMITTEE
  - STAFF AFFAIRS COMMITTEE
  - BOARD OF APPEAL
- ADMINISTRATIVE COUNCIL
  - SECRETARIAT
OBJECTIVES (Article III)

[Enshrined in the Lusaka Agreement for purposes of supporting its member states]

- Promotion, harmonization and development of IP
- Establish synergies between its members in the field of IP
- Establish common services and organs for IP coordination, development and harmonization
- Establish IP training schemes
- Organize conferences, seminars and meetings on IP
- Promote exchange of ideas and research on IP
- Promote a common view and approach in dealing with IP matters
- Support members in acquisition of IP based technologies
- Development of Copyright systems for the economic benefit of its member states
MEMBERSHIP (Article IV)

[inclusive and provides legibility for all African States regardless of language spoken, geographical location or political or economic affiliation]

- Membership open to UNECA and AU
- Current Members
  - Botswana, The Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe
- Observer States include
  - Angola, Burundi, Egypt, Eritrea, Ethiopia, Liberia, Mauritius, Nigeria, Rwanda, Seychelles and South Africa
Geographical Distribution of Member States of ARIPO

- The Gambia
- Sierra Leone
- Ghana
- Sudan
- Uganda
- Kenya
- Tanzania
- Somalia
- East Africa
- Zambia
- Malawi
- Mozambique
- Zimbabwe
- Namibia
- Central & Southern Africa
- Botswana
- Swaziland
- Lesotho
- Namibia
- West Africa
- Sudan
- Tanzania
- Zambia
- Malawi
- Mozambique
- Zimbabwe
- Namibia
- Central & Southern Africa
- Botswana
- Swaziland
- Lesotho
- Namibia
- West Africa
SPECIAL RELATIONSHIP
(Article V)

[Conscious of its limitations in experts, know how, financial, partnership strongly advocated with specialized institutions on IP, economic block and political institutes i.e. AU]

- Close and continuous relationship with
  - United Nations Economic Commission for Africa (UNECA);
    - UNECA sponsored institution
    - UNECA activities towards implementation of millennium goals (IP related)
  - African Union (AU) and
    - PAIPO initiatives
    - Protection of traditional knowledge, genetic resources and expressions of folklore
    - Protection of plant varieties
    - TRIPS Flexibilities and the DOHA Declaration on Health and Access to Medicine
  - World Intellectual Property Organization (WIPO).
    - WIPO Assemblies
    - WIPO standing committees i.e. the IGC, PCT Union, Standing Committee on trade marks, industrial designs
    - WIPO’s development agenda etc.
COOPERATING STATES AND ORGANIZATIONS (Article VI)

[Working relationship with non member states and Organizations desirous to support ARIPPO also strongly advocated]

Organizations: EPO, EURASIA, OHIM, COMESA, ARSO etc
States: UK PTO, US PTO, INPI France, IMPI – Mexico, INPI Portugal, INPI Brazil, SIPO, JPO etc

Contents of Agreements:
- Technical cooperation
- Exchange of information and documentation
- Support in search and examination activities
- Support in training
- Support in institutional building
- Exchange of experts
- Participation in each other’s major activities
HARARE PROTOCOL
[patents, industrial designs and utility models]

Modification, appeals, notification,
Renewals, assignments, licences
Abandonment, re-instatements etc

Filing

Grant and
Registration

Formal

Examination

Examination

National laws
BUDAPEST Treaty
Patent Cooperation Treaty
(PCT)

[Effect in member states]
BANJUL PROTOCOL
[Trade marks and service marks]
THE PROTECTION OF COPYRIGHT AND RELATED RIGHTS

- **Strategic Plan**
  - Compatibility of copyright management systems of ARIPO Member States with international practice, eg WCT and WPPT
  - Access to international databases
  - Support for the establishment of ACCN and AFRONET
  - Development of anti-piracy and anti-counterfeit programmes

- **Activities**
  - AFRICOS database and training
  - Harmonization of copyright and industrial property offices
  - Undertake studies on the contribution of copyright industries to economies of member states
THE PROTECTION OF TRADITIONAL KNOWLEDGE, GENETIC RESOURCES AND EXPRESSIONS OF FOLKLORE

- Adopted Plan of Action
  - Establishment of a database
  - Harmonization of Laws
  - Training and Awareness creation
  - Devise ways of exploitation of resources
  - Preparation of contractual guidelines on ABS
  - Preparation of guidelines on IPR for traditional medical Practitioners
  - Participation in international meetings i.e. IGC Meetings, AU meetings, OAPI-ARIPO Consultative meetings etc.
OTHERS:
EMERGING GLOBAL IP ISSUES

[Driven by the demands of Member States. ARIPO is involved in emerging global IP issues]

The Organization is involved in the following studies:

- Internet domain names
- Protection of Transgenic plants and animals
- TRIPs and Public health
- Ethical concerns of biotechnology
- TRIPs review and compatibility with the Convention on Biological Diversity (CBD)
TOOLS IN SUPPORT OF THE IMPLEMENTATION OF ARIPO’s MANDATE

- ARIPO Regional Training Centre (ARTC)
- Patent Information and Documentation Unit (PIDU)
- IP Training Clinic
- Strategic Plan 2006 -2010
ARIPPO REGIONAL TRAINING CENTRE

- Inaugurated on Feb. 15, 2005
- Centre of Excellence for teaching, research and skills development in IP
- Target Group: Public and Private Sectors, civil society, general public, policy makers, etc.

- Training Programmes include;
  - IP Policy, Patent drafting, Copyright and Reprography, PCT and Classification tools, Utility models and Industrial designs, SMEs etc
  - Training of Trainers Programme (Masters in IP Studies)
  - Establishment of Centre of Excellence on ABS for SADC Countries
Custodian of world wide collection of patent information (CD/DVD-ROMS, databases, digital libraries) offering the following services;

- Search Services (Novelty, State of the Art, Validity, Similarity and SDI searches)
- Provide monographs, surveillance and patent mapping information to the public

Current trend is the development of a paperless documentation and develop connectivity with external database. Deployment of a search tool i.e EPOQUE is also under consideration.
GLOBAL VISION : INTERNATIONAL PERSPECTIVE

- Challenges
  - Globalization
  - New technologies

- Responses
  - An intellectual property culture
  - A global strategy
    - The transformation premise
    - Development of intellectual property system
GLOBAL VISION: REGIONAL PERSPECTIVE

[ARIPO Strategic Plan 2006-2010 was adopted the main purpose being the following:]

- Goal-oriented strategies (ways) by which the organization’s corporate objectives are effectively achieved within the given time.
- It is a systematic approach for enhanced efficiency in the operations of the organization.
- It gives ARIPO clearer focus and direction and enable the Secretariat to see the big picture and prioritize the organization’s activities.
- It provides a basis for measurement and evaluation of organization’s work output.
- Follow closely international environment particularly WIPO’s activities i.e. WIPO’s development agenda and meetings on the WIPO Standing Committee etc.
- Exchange ideas and experiences with cooperating partners i.e. IP scenarios discussed during the 2007 EPO Inventor of the Year.
GLOBAL VISION: NATIONAL PERSPECTIVE

[For IP to be effective as a tool for national development member states should meet their obligations including but not limited to:]

- Adopt IP national policies
- Support development of IP policies in various industrial sectors
- Enact appropriate IP laws
- Domesticate international and regional treaties
- Accede to the international and regional treaties
- Intensify outreach programmes and the demystification of IP
- Develop appropriate IP infrastructures and IP culture
CONCLUSION

- Current regional and international IP systems complements national visions their support is imperative
- Regional systems should be encouraged as they provide a step stone to a global IP system
- For nations to benefit from regional and international systems they should meet their obligations.
THE HEADQUARTERS OF ARIPO

- Based in Harare since February 1982;
- **Postal Address**, P O Box 4228 Harare, Zimbabwe.
- **Telephone**: 00263 4 794065, 794066, 794070.
- **E-mail address**: aripo@ecoweb.co.zw ; mail@aripo.org
- **Website**: [http://www.aripo.org](http://www.aripo.org)
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