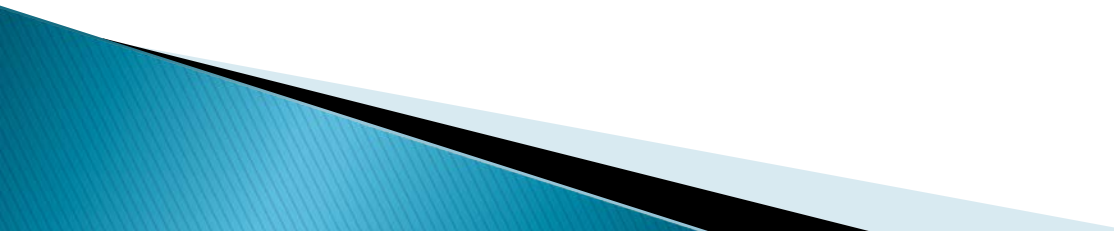


# IP Law and Administration in Uganda – Key Issues from an SME perspective

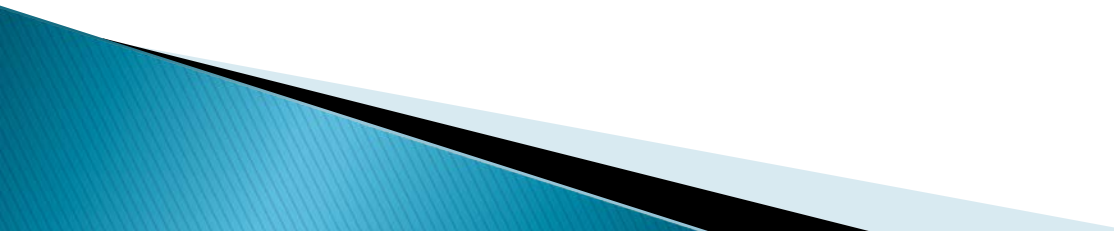
November 6<sup>th</sup> 2014

Paul Asiimwe – Sipi Law Associates

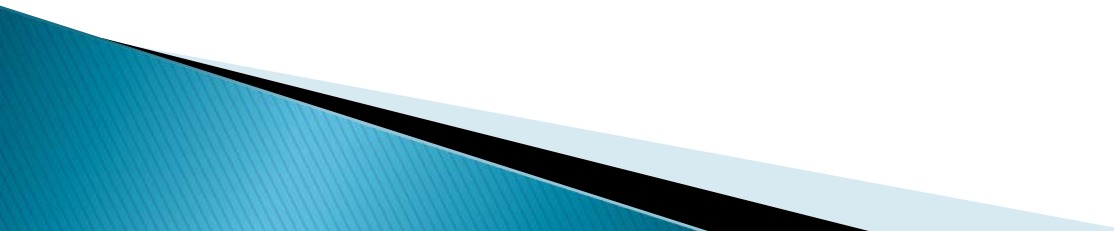
# Presentation Outline

- ▶ 1. Policy landscape
  - ▶ 2. Legal framework
  - ▶ 3. Institutional framework
  - ▶ 4. Overview of IPR cycle
  - ▶ 5. Issues in administration
  - ▶ 6. Proposed interventions and conclusion
- 

# Policy Landscape

- ▶ Science, Technology & Innovation Policy (under the UNCST).
  - ▶ National Industrial Policy (Under MTiC)
  - ▶ National Trade Policy (Under MTiC)
  - ▶ Vision 2040 (Under NPA)
- 

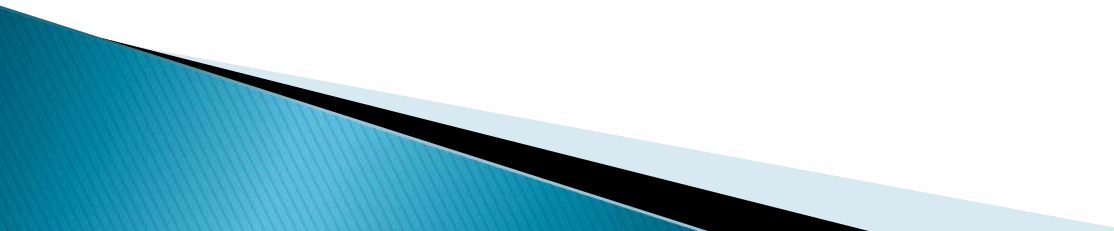
# Legal Framework

- ▶ Industrial Property Act, 2014
  - ▶ Trademarks Act 2010
  - ▶ Copyright Act, 2006
  - ▶ Trade Secrets Act, 2009
  - ▶ Plant variety Protection Act 2014
- 





# Institutional Framework

- ▶ URSB
  - ▶ UNCST
  - ▶ UIRI
  - ▶ URA
  - ▶ UNBS
  - ▶ Judiciary
  - ▶ Police
- 

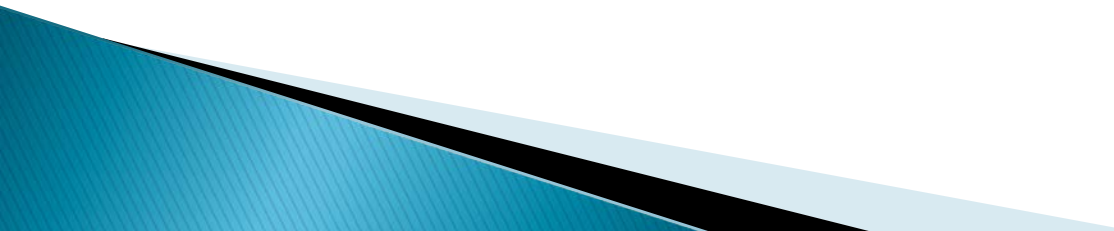
# Institutional Framework

- ▶ There is no inter institutional framework through which IP issues can be channeled and addressed.
  - ▶ The current institutional framework is disjointed, no national IP strategy and sharing of resources. Regional linkages are poor.
  - ▶ Weak Institutional framework affects returns on IP at firm level and national level
- 

# Overview of IPR Cycle

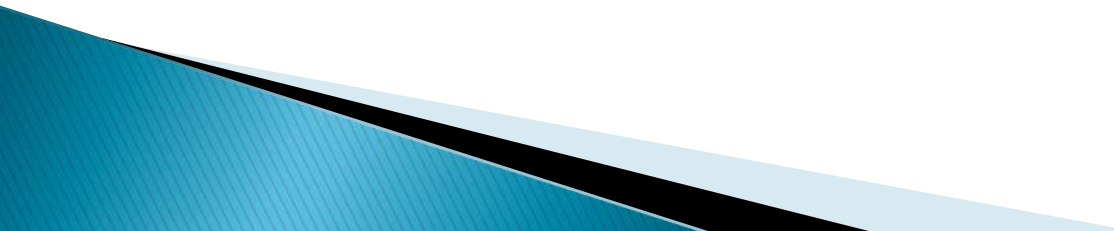
- ▶ Creation 
- ▶ Registration 
- ▶ Commercialization 
- ▶ Maintenance 
- ▶ Enforcement

# Issues in Administration

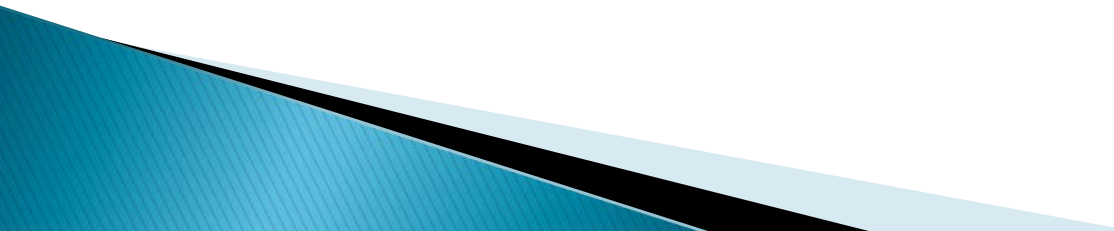
- ▶ Lack of awareness of existing rights by SMEs and other members of the business community. This partly explains low levels of protection and enforcement.
  - ▶ Relatively high cost of registration of IP rights prevents genuine owners from registering their rights. It costs almost 90% more to register TM or Copyright in UG than KE
- 



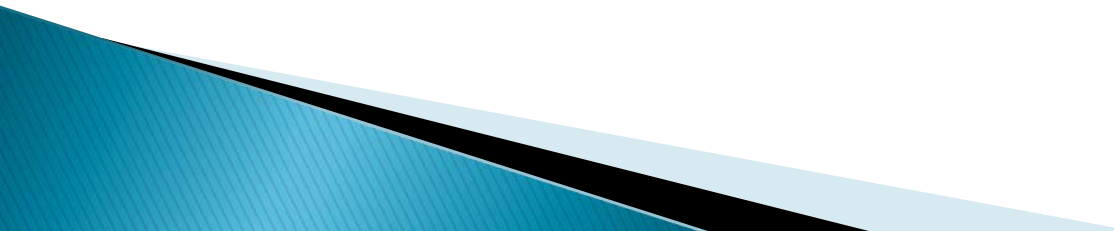
# Issues in Administration

- ▶ IP rights databases need to be freely searchable. This will make it easier for users to know who owns the rights and facilitate commercialization – licensing.
  - ▶ The enforcement machinery needs to be continuously trained; lawyers, police, prosecution, judiciary to reduce bottlenecks to IP rights enjoyment.
- 

# Issues in Administration

- ▶ Uganda lacks a proper system of innovation. Small innovators are left on their own to create, protect and commercialize innovations. There is need for institutional and policy harmony between UNCST and UIRI which have similar mandate.
  - ▶ Need for specific fund to support innovation hubs in ICT, agriculture, fabrication etc.
- 

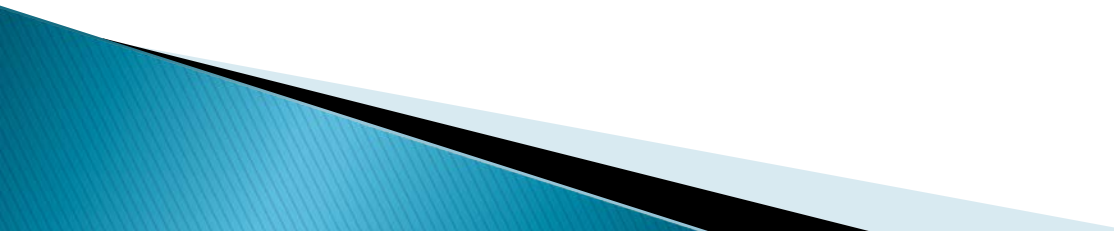
# Proposed Interventions

- ▶ Apex bodies that represent SME interests should be more proactive in supporting public institutions on sensitizing their members on how to exploit the IP system.
  - ▶ IP Rights are not static, provide protection for new areas of creativity such as comedy as well as Image Rights
- 

# Proposed interventions

- ▶ Establish an Intellectual Property clinic at URSB through which registry staff can respond to issues from IP owners and those who wish to legitimately use IP rights.
- ▶ There is need to benchmark costs of protection and enforcement of IP in Uganda against top emerging economies. This will make it cost effective for user costs to support administration infrastructure, ie courts & police

# Conclusion

- ▶ IP administration in Uganda needs alignment with existing national and regional economic priorities in order to benefit SMEs.
  - ▶ IP administration needs to broaden strategy to sensitise specific SME segments and reduce fees in order to widen use of the system. This will help SMEs in integrating IP as a tool for business.
- 

# Useful Link

- ▶ <http://www.lawplainandsimple.com/legal-guides/article/understanding-intellectual-property-law>

# Thank you for Listening!

- ▶ Sipi Law Associates,
- ▶ Advocates & Intellectual Property Advisors
- ▶ Jocasa House, Unit 5
- ▶ Plot 14, Nakasero Road
- ▶ Box 4180
- ▶ KAMPALA
- ▶ [paul@sipilawuganda.com](mailto:paul@sipilawuganda.com)