

**Questionnaire on the term “Quality of Patents” and Cooperation between Patent
Offices in Search and Examination**

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Office: Namibian Customs and Excise
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Q1.

The concept of “Quality of Patents” from Namibian Customs and Excise (NCE) administration, is a complex subject due to the diverse objective functions that are involved in Patents.

However, the term “Quality of Patent” is defined as the technological and economical quality created by the patent holders and which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem. A patent provides protection for the invention to the owner of the patent.

As according to Namibian Customs and Excise, quality of patent are those that registered and protected under the Patents Act, Act No. 9 of 1916 and proclamation 17 of 1923. The Industrial Property Act 1 of 2012, in terms of which the registration of patents will be administered, and by Namibia standards Institution (NSI) in terms of the Standards Act (Act No. 18 of 2005) as national standards body of Namibia. The Institution is responsible for enhancing product quality, industrial efficiency and productivity in Namibia by:

- Promoting the use of standards and quality assurance and control in industry, commerce and public sector
- Providing conformity assessment services
- Certification of systems, product and personnel systems

- Inspecting and testing of products and materials
- Metrology

And as according to Namibian Customs and Excise Act no. 20 of 1998, section 123 Prohibitions and restrictions, quality should however met the following requirements as goods which may, in terms of any provision of this Act or of any other law, only be imported into Namibia in terms of a permit, certificate or other authority, unless imported under such a permit, certificate or other authority which purports to be issued by virtue of any such provision, shall be imported into Namibia, unless in terms of a permit issued by the Permanent Secretary : Trade and Industry.

The concept of patent quality, as perceived by the users of the system, needs to be expanded to include additional factors related to costs of patenting, timeliness, and the ease of management of granted rights. From this perspective, for a patent-granting authority the concept of patent quality can be represented as an optimisation process that balances three different dimensions:

- i) The performance of the product provided to customers;
- ii) The costs incurred; and
- iii) The timeliness of the service provided.
- iv) Only the first of such dimensions is the quality according to the statutory definitions.

Q2.

Currently there is no cooperation with other patent offices, and Namibia Customs and Excise (NCE) is looking forward to such cooperation with Business and Intellectual Property Authority (BIPA) in order to share information.

Q3.

NO,

Q4.

Currently NCE does not have any kind of platforms / tools on search and examination. However, NCE would like to have access to patent tools such as, examination process, quality assurance, involvement of third parties, patent procedures and co-operation among granting offices.

Q5.

Once the cooperation between NCE and BIPA is established, NCE will be able to enjoy benefits such as:

- Standardisation of practices on patent quality with other patent offices
- Exchange of information among the examiners (top priority)
- Exchange of information with patent offices in other countries
- Share/reuse the searches done by other offices
- Use of patent classification common to other offices
- Use of well-functioning, machine-translated documents

Q6.

Kind of capacity building required in search and examination are such as:

- Capacity Building
- Identification of patent
- How to extract data from BIPA data base

NOTED



MRS. T.C. HAMBIRA
ACTING COMMISSIONER: CUSTOMS AND EXCISE

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DATE