

Africa Intellectual Property Newsletter Vol. 82

Special Newsletter on International Cooperation in the Field of Intellectual Property in Africa

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INTRODUCTION

This report looks at the nature of the cooperation that exists in the area of intellectual property (IP) between the IP offices of a number of African countries namely in Algeria, ARIPO, Egypt, Ethiopia, Ghana, Kenya, Morocco, Nigeria, OAPI, South Africa, Tanzania, Tunisia and Zimbabwe on the one hand, and some of the major international IP offices on the other hand.

ALGERIA

We have been able to establish evidence of cooperation between Algeria and the following countries and /or entities:

CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (CNIPA)

In 2014, it was reported ¹that Algeria and China had signed a Memorandum of Understanding on Copyright - Algeria was represented by the National Office of Copyright and Neighbouring Rights (ONDA), and China by the National Copyright Administration of China (NCAC).

FRANCE INSTITUT NATIONAL DE LA PROPRIÉTÉ INDUSTRIELLE (INPI)

There is a 2022 report ²on Algerian IP by the French Institute of IP, INPI:

The report states that, despite the fact that the country has an appropriate legal mechanism for protecting intellectual property rights, counterfeiting is rife in Algeria, and this is something that can deter foreign investors. The Algerian authorities are, however, aware of the problem of counterfeiting and actions have been taken to improve the situation.

The report says that in 2021, Algeria ranked 120th out of 132 in the Global Innovation Index. It says that there are issues with red tape and regulations that make the business environment complex. Other problems include a lack of trust and communication between research centers and universities on the one hand, and the entrepreneurial world on the other hand.

The report goes on to say that in order to deal with these problems INPI has since 2011 piloted the creation of 53 technology and innovation support centers (known as CATI) - this has been done in collaboration with WIPO. These CATI also raise awareness of the importance of industrial property.

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Delegation³

In 2016, a delegation of IP specialists from Algeria visited the USA, and met with representatives from USPTO.

Scientific and technical cooperation agreement

There is an agreement between the USA and Algeria - Memorandum⁴ of Understanding Concerning Scientific and Technical Cooperation in the Earth Sciences:

Annex I entitled **Intellectual Property** reads as follows:

The Parties shall ensure adequate and effective protection of intellectual property created or furnished under this Memorandum and relevant project annexes. The Parties agree to notify one another in a timely fashion of any inventions or copyrighted works arising under this Memorandum and to seek protection for such intellectual property in a timely fashion. Rights to such intellectual property shall be allocated as provided in this Annex.

¹ <https://allafrica.com/stories/201409292391.html>

² <https://www.inpi.fr/sites/default/files/Fiche%20PI%20Algerie%202022.pdf>

³ <https://cldp.doc.gov/programs/cldp-in-action/cldp-conducts-us-study-tour-innovation-ecosystems-in-algeria>

⁴ <https://2009-2017.state.gov/s/l/treaty/tias/2000/125773.htm>

Agreement concerning trade and investment relations

There is a further agreement - Agreement between The Government of The United States of America and The Government of The People's Democratic Republic of Algeria Concerning the Development of Trade and Investment Relations. Clause 11 talks of:

*'Recognizing the importance of providing adequate and effective protection and enforcement of intellectual property rights and of membership in and adherence to intellectual property rights conventions.'*⁵

Special Report⁶

A 2022 'Special Report' by Office of the United States Trade Representative covers a number of countries including Algeria. Algeria appears on a 'Watch List' of countries where there have been improvements in the field of IP, yet concerns remain.

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

WIPO and International Bodies

The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications⁷

Algeria is not a member of the WTO but it is a member of The Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications. This provides Algeria with an opportunity to voice its views on certain matters in an open forum with a wide number of member states.

Centers D'Appui A LA Technologie et a L'Innovation (CATI)⁸

There is a WIPO initiative providing facilities and training (support centers) known as Centers D'Appui A LA Technologie et a L'Innovation (CATI).

The Algerian National Institute of Industrial Property (INAPI)⁹

INAPI, together with WIPO and the National Commission for Renewable Energies and Energy Efficiency (CEREFÉ), organised an event called *Energy recovery from waste and price of 'green innovation'*. The purpose of the event was to launch IPO-green initiatives, in order to stimulate the development of new green technological solutions.

WIPO Technical Assistance Database¹⁰

This is a log, per country, of seminars/tutorials that WIPO is running for certain countries. This log shows that IP-related events have taken place in Algeria over a number of years.

IP Licensing for Academic Institutions in Algeria workshop

On 20-21 September 2022, a two-day online course on IP Licensing for Academics ¹¹was held in Algeria.

ARIPO

We have been able to establish evidence of cooperation between ARIPO and the following countries and /or entities:

CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (CNIPA)

The State Intellectual Property Office (SIPO, now CNIPA) of the People's Republic of China invited the African Regional Intellectual Property Organization (ARIPO) to attend the *China-Africa High-Level Seminar on Intellectual Property System and Policies* that took place in Guangdong Province, China from 24 to 28 July,

⁵ <https://investmentpolicy.unctad.org/international-investment-agreements/treaty-files/2515/download>

⁶ <https://ustr.gov/sites/default/files/IssueAreas/IP/2022%20Special%20301%20Report.pdf>

⁷ https://www.wipo.int/edocs/mdocs/sct/fr/sct_15/sct_15_5_prov_2.pdf

⁸ <http://e-services.inapi.org/SITE/FICHIERS/Document.14.pdf>

⁹ <http://e-services.inapi.org/SITE/?Rub=Details-actualite&Aid=70>

¹⁰ <https://www.wipo.int/tad/en/activitysearchresult.jsp?bcntry=DZ>

¹¹ <https://etisc.wipo.int/news/ip-licensing-academic-institutions-algeria-workshop>

2017. The Seminar was attended by Heads of IP Offices in ARIPO Member States and officials from ARIPO Secretariat.

In order to implement one of the areas of cooperation under the MoU between ARIPO and SIPO, namely the data exchange between the two ORGANIZATIONS, a supplementary agreement (the Patent Prosecution Highway Agreement) was signed on 2 October 2017.¹²

EUROPIAN UNION INTELLECTUAL PROPERTY OFFICE (EUIPO)

EUIPO has facilitated study tours for ARIPO members of staff and offered capacity-building. EUIPO has also offered the following online tools for use by ARIPO:

*TMClass, DesignClass, Quality, User Satisfaction Survey and Forecasting.*¹³

On 11 March 2021 ARIPO's Director General, Mr. Bemanya Twebaze, and the Executive Director of the EUIPO, Mr Christian Archambeau, had a virtual meeting¹⁴ to discuss the current status of activities in both Offices and future steps on collaboration between the Offices.

KOREA INDUSTRIAL PROPERTY OFFICE (KIPO)

ARIPO undertook study visits to the Korea Industrial Property Office (KIPO) and the Korean National Computing and Information Agency (NCIA). The KIPO visit focused on Korea's IP administration and information status, patent searches and networking with counterparts in Korea. The NCIA visit, on the other hand, focused on the demonstration of the latest products developed by NCIA and its contribution towards Korea's social economic growth and development.

This link¹⁵ refers to a project between KIPO and ARIPO/ZIPO to develop the ICT infrastructure of ARIPO and ZIPO.

This link¹⁶ relates to KIPO's development of an automated patent information system for ARIPO:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

ARIPO members visited the USPTO in Alexandria, Virginia, USA, from 19 - 23 September 2016.

A benchmarking visit by the Head of the ARIPO Academy to the Global Intellectual Property Academy (GIPA) was facilitated in order discuss a better coordination of capacity building in ARIPO Member States.¹⁷

ARIPO collaborated with the USPTO to deliver webinars for the ARIPO region. The webinars were developed under the ARIPO e-Learning Service, which was introduced to counter the disruptions of COVID-19 in delivery of training to the Member States. The 2020-2021 webinar series were conducted by speakers from USPTO, ARIPO Member States and other experts from USA and Africa.¹⁸

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

ARIPO has organised many activities in collaboration with WIPO including capacity- building and the ORGANIZATION of Roving Seminars in ARIPO Member States.

Notably there was a *Symposium on Copyright and Related Rights: Shaping the Copyright and Related Rights Systems in Africa*, which was organised in collaboration with WIPO from July 5 to 7, 2017 at the ARIPO Headquarters in Harare.

¹² <https://www.aripo.org/aripo-at-the-china-africa-high-level-seminar-on-intellectual-property-system-and-policies/>

¹³ <https://www.mondaq.com/southafrica/trademark/1065280/aripo-collaborations-with-the-euipo-and-uspto>

¹⁴ <https://euipo.europa.eu/ohimportal/en/-/news/euipo-aripo-virtual-heads-meeting>

¹⁵ <http://www.businessdaily.co.zw/index-id-national-zk-33557.html>

¹⁶ <https://www.koreaherald.com/common/newsprint.php?ud=20110929000574>

¹⁷ <https://www.aripo.org/forty-fourth-session-of-the-administrative-council-of-aripo/>

¹⁸ <https://www.aripo.org/wp-content/uploads/2020/08/ARIPO@40.pdf>

ARIPO and WIPO have also jointly commissioned a project for the development of *Guidelines on Intellectual Property Policy and Strategy for an effective use of the IP System by Universities and Research and Development Institutions in Africa*, to be published in the near future.¹⁹

OTHER STRATEGIC PARTNERS

ARIPO has signed agreements with the following partners:

- African Intellectual Property Organization (OAPI);
- IP Australia;
- The Mexican Institute of Industrial Property (IMPI Mexico);
- Mexican National Institute of Copyright (INDAUTOR);
- State Administration for Industry and Commerce (SAIC) and State Intellectual Property Office (SIPO) of the People's Republic of China;
- Norwegian Copyright Development Association (NORCODE);
- European Union Intellectual Property Office (EUIPO);
- United States Patent and Trademark Office (USPTO);
- University of Dar es Salaam (United Republic of Tanzania);
- French National Seeds and Seedlings Association (GNIS);
- Kenya Industrial Property Tribunal;
- National Institute of Industrial Property of Brazil (INPI).

EGYPT

We have been able to establish evidence of cooperation between Egypt and the following countries and /or international IP bodies:

CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (CNIPA)

The CNIPA continued to expand the Patent Prosecution Highway (PPH) cooperation network and officially launched the China-Egypt PPH pilot program.²⁰

EUROPIAN UNION INTELLECTUAL PROPERTY OFFICE (EUIPO)

EU Twinning Project, technical cooperation projects - reveal support and upgrading of the capabilities of the Egyptian Patent Office (EGPO).²¹

KOREA INDUSTRIAL PROPERTY OFFICE (KIPO)

There were cooperation talks between KIPO and Egyptian Patent Office in 2017.²²

KIPO, in cooperation with the Ministry of Strategy and Finance and other relevant agencies, signed a Memorandum of Understanding (MOU) with the Egyptian Patent Office (EGPO) in April 2017 to cooperate in patent automation. Under the MOU, KIPO provides consulting services for system set-up and enhancement of the patent administration automation system, and shares experience in KIPOnet development and operations²³.

¹⁹ <https://www.ip-watch.org/weblog/wp-content/uploads/2017/11/ARIPO-Admin.-Council-Compiled-Working-Documents-Nov-2017.pdf>

²⁰ https://www.wipo.int/export/sites/www/scp/en/meetings/session_30/comments_received/egypt.pdf

²¹ <https://e-trips.wto.org/En/TechnicalCooperationActivitiesNotifications/View/1001151>

²² <https://en.yna.co.kr/view/PYH20170228285400341>

²³ <https://meobserver.org/patents-and-intellectual-property/>

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Trade cooperation

US and Egyptian officials met on 5 December 2017 under the bilateral Trade and Investment Council. During the meeting, the officials agreed to work together to address outstanding bilateral trade issues, including those related to market access, standards, labour and intellectual property protection.²⁴

Egypt hosts regional conference on IPR enforcement in the digital age - 6 November 2018²⁵

This was jointly organized by the Egyptian Center for Intellectual Property and Information Technology (ECIPIT), Information Technology Industry Development Agency (ITIDA), the United States Patent and Trademark Office's (USPTO), Global Intellectual Property Academy (GIPA), and the World Intellectual Property Organization (WIPO).

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

The Technical Assistance Database shows significant activity involving Egypt over a period of years 2009 - 2022.²⁶

According to a posting dated 30 September 2022 the WIPO Academy offered training on IP to 300 members of the Egyptian judiciary.²⁷

ETHIOPIA

We have been able to establish evidence of cooperation between Ethiopia and the following countries and /or international IP bodies:

CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (CNIPA)

Work plan

According to a posting in 2014 CNIPA (formerly SIPO) signed a 'work plan' with a number of IP administrative agencies, including the Ethiopian Intellectual Property Office agency (EIPO) in Ethiopia.²⁸

Training

CNIPA has, as part of China's Belt and Road strategy, followed an approach of friendly cooperation with IP administrative agencies, offering IP training. As part of this initiative it has offered such training to Ethiopia.

EUROPEAN PATENT OFFICE (EPO)

The EPO and the EIPO have signed a Biennial Work Plan that aims to improve the Ethiopian patent system, particularly as regards processing and examination. There is also talk of a validation agreement that will allow patents granted by the EPO to be validated in Ethiopia.²⁹

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

A new online trademark filing system for Ethiopia

EIPO in collaboration with the World Intellectual Property Organization (WIPO) launched an online trademark filing system on December 21, 2018 - this was the result of an agreement between the two parties to modernize the infrastructure of the intellectual property system in Ethiopia.³⁰

²⁴ <https://eg.usembassy.gov/united-states-egypt-agree-trade-cooperation/>

²⁵ https://mci.gov.eg/en/Media_Center/Latest_News/News/609

²⁶ <https://www.wipo.int/tad/en/activitysearchresult.jsp?vcntry=EG>

²⁷ https://www.wipo.int/academy/en/news/2022/news_0037.html

²⁸ <https://english.cnipa.gov.cn/2017-10/20171026184546329932.pdf>

²⁹ https://www.adams.africa/wp-content/uploads/2021/08/AFRICA_UPDATE-2020.pdf

³⁰ <https://eipo.gov.et/office-launches-online-trademark-filing-system/>

GHANA

We have been able to establish evidence of cooperation between Ghana and the following countries and /or international IP bodies:

ARIPO

Master Program in IP³¹

On 28 August 2018, ARIPO in collaboration with the Ghana Intellectual Property Office launched a new Master Program in IP (MPhil) at the Kumasi Nkrumah University of Science & Technology in Ghana.

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Cooperation with WIPO regarding an IP strategy document

At a WIPO meeting on 9 October 2019, Ghana thanked WIPO for the support it provided in the drafting of a national IP policy for Ghana, one that is in line with Ghana's National IP strategy.

The statement of thanks went on to also refer to support Ghana that received from the Swiss Government under the Swiss-Ghana IP Project, Phase II, which was being implemented by the Swiss Government.

Finally there was an expression of thanks to the Japan Trust-in Funds for the support in identifying viable projects in Africa, and particularly Ghana in respect of branding.³²

KENYA

We have been able to establish evidence of cooperation between Kenya and the following countries and /or international IP bodies:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Updating of IP system

An INTA report³³ discusses the fact that Kenya will update its IP system, whereas the USA will provide technical and other assistance to the country as part of a Free Trade Agreement (FTA). This assistance will cover, inter alia:

- Promotion of stronger anti-counterfeiting efforts, both online and offline;
- Promotion of information-sharing with all stakeholders;
- Mapping of counterfeit trade routes, and the advocating for stronger tools for targeting counterfeits;
- Organizing brand identification training for enforcement officials at borders to promote the seizure of goods in transit;
- Supporting the establishment of an IPR Centre which will fight against counterfeiting, piracy and other IP crimes - this form of assistance will involve different governmental offices within Kenya, and it will require co-ordination between Kenya and other countries around the world.

Workshops

A workshop on IP for Public Institutions, 24 May 2011³⁴ - jointly organized by KIPI, USPTO and WIPO.

Seminars

A report³⁵ of a regional seminar and workshop on innovation in intellectual property management and technology commercialization involving WIPO, KIPI and USPTO - 2011.

³¹ <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W644R1A4.pdf&Open=True>

³² https://www.wipo.int/edocs/mdocs/govbody/en/a_59/a_59_stmt_ghana.pdf

³³ <https://www.inta.org/wp-content/uploads/public-files/advocacy/committee-reports/INTA-US-Kenya-Comment-4.28.20.pdf>

³⁴ <https://www.uaipit.com/en/congresse-record?/641>

³⁵ <https://news.mak.ac.ug/wp-content/uploads/2011/05/ReportRegSemOnIPMgtTechMay2011.pdf>

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Collaboration

Collaboration between WIPO and KIPI on patent information - 22 September 2009.³⁶

This agreement was one of a number of cooperation agreements between WIPO and the IP offices of developing countries aimed at enhancing access to patent information. The nature of the cooperation is described as covering access to, and dissemination of, national patent documents. Under the agreement WIPO also agreed to provide technical assistance to KIPI for the digitization and dissemination of patent documents via WIPO's PATENTSCOPE service.

Collaboration between KIPI, WIPO, the Japan Patent Office and the Japan International Cooperation Agency, aimed at building IP awareness among female basket weavers in rural areas, and supporting their efforts to protect, brand and promote their products - August 2016.³⁷

WIPO - a technical assistance database for Kenya, 2008-2022.³⁸

MOROCCO

We have been able to establish evidence of cooperation between Morocco and the following countries and /or international IP bodies:

CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (CNIPA)

In 2018, the CNIPA Commissioner Shen Changyu visited Morocco and OAPI and signed an agreement on examination work-sharing and a bilateral cooperation work plan with the Moroccan Office of Industrial and Commercial Property (OMPIC).³⁹

EUROPEAN PATENT OFFICE (EPO)

EPO President António Campinos and the head of OMPIC, Abdelaziz Babqiqi, met for the first time in an online meeting on 22 September 2021, opening a new chapter of cooperation between their offices.

The two heads reviewed the validation agreement between the EPO and OMPIC, which entered into force on 1 March 2015 as the EPO's first ever validation agreement.

In 2020, around 400 European patents granted by the EPO were validated in Morocco by virtue of the validation agreement. The validation system offers European patent applicants a simple and cost-effective way of obtaining patent protection in countries that are not members of the EPO.⁴⁰

The EPO and OMPIC signed a Memorandum of Understanding on 22 September 2021.⁴¹

Two important memoranda in the field of patent information were concluded. One of these deals with a joint project of the EPO, OMPIC and WIPO, to gather and disseminate patent information in Arabic.⁴²

FRANCE INSTITUT NATIONAL DE LA PROPRIÉTÉ INDUSTRIELLE (INPI)

Joint projects between OMPIC and INPI include:⁴³

³⁶ https://www.wipo.int/pressroom/ja/articles/2009/article_0037.html

³⁷ https://www.wipo.int/wipo_magazine/en/2016/04/article_0007.html

³⁸ <https://www.wipo.int/tad/en/activitysearchresult.jsp?vcntry=KE>

³⁹ <https://english.cnipa.gov.cn/2018-06/20180629152327589013.pdf>

⁴⁰ <https://pibd.inpi.fr/sites/default/files/2022-01/INPI%20LAW%20JOURNAL%20%231%20January%202022.pdf>

⁴¹ <https://www.epo.org/news-events/news/2021/20210922.html>

⁴² https://www.epo.org/modules/epoweb/acdocument/epoweb2/67/en/CA-88-12_en.pdf

⁴³ <http://www.ompic.ma/en/respect-droit/institutional-framework>

- Arranging meetings between members of Moroccan Customs and representatives of the World Customs Organization on the issue of border measures;
- Hosting a meeting of national committees fighting counterfeiting in Tangiers in 2009;
- Publishing articles on the fight against counterfeiting in the OMPIC journal.

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Cooperation

Officials from the USPTO and the Moroccan registry, OMPIC, held meetings in Morocco , 19-22 November, 2013 , with a view to establishing cooperation.

In 2014 (27-30 May) Morocco participated in an USPTO event described as Moroccan Judicial and Prosecutors program in Alexandria, Virginia, USA.

In January 2014, Morocco was listed as a participant in the Patent Prosecution Highway (PPH) program.⁴⁴

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

There is a WIPO report of an expert mission to Morocco on Technology Transfer and IP Commercialisation.⁴⁵

NIGERIA

We have been able to establish evidence of cooperation between Nigeria and the following countries and /or international IP bodies:

UNITED KINGDOM INTELLECTUAL PROPERTY OFFICE (UKIPO)

UKIPO builds international links with Nigeria - 2011

A memorandum of understanding between the Intellectual Property Office of the United Kingdom (UKIPO) and the Nigerian Copyright Commission of the Federal Republic of Nigeria on strategic cooperation on copyright was signed on 5 September 2011. The understanding was stated to be valid for five years, with automatic renewals for successive periods of five years unless one of the participants terminated the agreement.

The signing of the Memorandum followed the UK Government's acceptance of the recommendations made in the Hargreaves Review of intellectual property and growth. The review highlighted that the UK should continue to pursue international interests in intellectual property. The minister for Intellectual Property Baroness Wilcox said this:

*'Effective copyright law in the UK and Nigeria is essential for the future growth of both nations' creative industries. Businesses need to have confidence in the intellectual property systems of other countries if they are to prosper in international markets. This agreement will create opportunities for information sharing as well as opportunities for training and development in the UK and Nigeria.'*⁴⁶

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Bilateral Agreement between US and Nigeria, 16 February 2000

This agreement concerns the development of trade and investment relations. Article 6 provides as follows:

For the purposes of further developing bilateral trade and investment and providing for a steady increase in the exchange of goods and services, the Parties will consider whether further agreements relating to trade, taxation,

⁴⁴ <https://www.maxhamfirm.com/patent-prosecution-highway/>

⁴⁵ <https://www.wipo.int/tad/en/activitydetails.jsp?id=16808>

⁴⁶ <https://www.gov.uk/government/news/ipo-builds-international-links-with-nigeria>

*intellectual property, labor, transfer of technology, technical cooperation, and investment issues would be desirable.*⁴⁷

Training of government IP officials, 2017

The USA provided training to Nigerian IP officials through various training programs offered by the United States Patent and Trademark Office's (USPTO's) Global Intellectual Property Academy and the US Department of Commerce Commercial Law Development Program - this training was offered under the Trade and Investment Framework Agreement between the United States and Nigeria.⁴⁸

US Mission Nigeria - Symposium on Counterfeit pharmaceuticals and piracy, 2019

The US Mission Nigeria organized the first intellectual property symposium in 2019 on 'Counterfeit Pharmaceuticals and Piracy'. The Embassy-funded original film, Fishbone, premiered at the 2019 symposium.

This awareness-raising film on the dangers of counterfeit pharmaceuticals has since been translated into French for the benefit of IP stakeholders in Francophone African countries.

US Mission Nigeria - Symposium on Intellectual property and the youth: innovating for a better future, 2022

The U.S. Mission, in collaboration with the American Business Council, hosted the second edition of its Intellectual Property (IP) Symposium on 'Intellectual Property and Youth: Innovating for a Better Future,' the theme for World IP Day 2022.

The two-day symposium brought together key stakeholders in Nigeria's IPR protection framework, including leading entertainment and creative industry leaders.

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

WIPO workshop

From 13-15 September 2022 the Nigerian government presented a workshop in collaboration with WIPO for the validation of the draft *National Intellectual Property Policy and Strategy*, demonstrating a new level of commitment to the formulation of a national IP policy.^{49 50}

OAPI

We have been able to establish evidence of cooperation between OAPI and the following countries and /or international IP bodies:

CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (CNIPA)

2018 - A CNIPA IP Seminar is attended by Director-General of OAPI and representatives from 17 OAPI member states⁵¹.

2019 - A delegation from CNIPA meets with the Director General of OAPI at WIPO⁵²

2020 - There is CNIPA seminar with participation from 38 OAPI representatives.⁵³

2020 - A 2020/2021 work plan between CNIPA and OAPI is signed.⁵⁴

⁴⁷ https://ustr.gov/sites/default/files/uploads/agreements/tifa/asset_upload_file172_7727.pdf

⁴⁸ <https://iccwbo.org/content/uploads/sites/3/2017/01/Promoting-and-Protecting-Intellectual-Property-in-Nigeria.pdf>

⁴⁹ <https://www.worldtrademarkreview.com/article/the-need-national-ip-policy-and-strategy-in-nigeria>

⁵⁰ <https://www.wipo.int/tad/en/activitysearchresult.jsp>

⁵¹ https://english.cnipa.gov.cn/module/download/down.jsp?i_ID=143064&colID=2076

⁵² <http://oapi.int/index.php/en/oapi/ORGANIZATION/structures-nationales-de-liaison/item/472-l-oapi-a-geneve-un-a-brterm>

[\OAPI and CNIPA signed, genda-charge-pour-le-directeur-general](#)

⁵³ https://english.cnipa.gov.cn/module/download/down.jsp?i_ID=160157&colID=2630

⁵⁴ <http://www.oapi.int/index.php/en/propriete-intellectuelle/concept-de-la-pi/item/507-la-reunion-des-ministres-du-conseil-d-administration-de-l-oapi-s-est-ouverte>

FRANCE INSTITUT NATIONAL DE LA PROPRIÉTÉ INDUSTRIELLE (INPI)

The Director General of the National Institute of Industrial Property (INPI) paid a working visit to OAPI from 25-26 March 2012. On 26 March OAPI and INPI scheduled a webinar on counterfeit medicines with the participation of several high-level specialists.⁵⁵

17th Commission Mixte OAPI-INPI - a working meeting between INPI and OAPI, 30 March 2022.⁵⁶

The Director Generals announced the establishment of a sustainable mechanism for financing technical and technological innovation and the training of patent engineers - this is a first in French-speaking Africa. This training is intended to meet the pressing need to have high-level skills in the field of the protection and exploitation of patents. This is timely given the introduction of substantive examination at OAPI in January 2023.

KOREA INDUSTRIAL PROPERTY OFFICE (KIPO)

2015 - OAPI participated in a regional seminar on the formulation and implementation of national intellectual property policies in Daejeon, 9-11 June 2015. The meeting was organised by the WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) and the International Intellectual Property Institute of Korea (IIPTI), in collaboration with the Korean Intellectual Property Office (KIPO).⁵⁷

2019 - The launch of the face-to-face phase of the advanced course on the management on IP assets for businesses (DL50) took place on 3 July 2019 at the OAPI auditorium. The Government of the Republic of South Korea, through the Korean Intellectual Property Office (KIPO), in collaboration with OAPI and WIPO, have combined their know-how to set up this program with the aim to provide actors in the economic sector with additional skills in IP.⁵⁸

2019 - A regional course aimed at improving asset management of IP at the service of companies (D15)) was held from 3-5 July 2019 at the OAPI auditorium in Yaounde. This training, intended to provide those in the economic sector with additional skills in the field of IP, was jointly organised by the Korean Intellectual Property office (KIPO), the World Intellectual Property ORGANIZATION (WIPO), OAPI and the Korean Association for the Promotion of Inventions (KIPA).⁵⁹

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Technical assistance programs were presented to, inter alia, OAPI member countries on the following dates:⁶⁰

- 26 September 2017 in Dakar, Senegal.
- 7 and 9 August 2018 in Accra, Ghana.

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) (and ARIPO)

A Memorandum⁶¹ of Understanding between three ORGANIZATIONs - WIPO, ARIPO and OAPI - was signed at an IP conference in Harare, Zimbabwe, 6-8 November 2019⁶².

⁵⁵ <http://www.oapi.int/index.php/en/oapi/ORGANIZATION/organigramme/item/598-cooperation-internationale-le-directeur-general-de-l-inpi-de-france-en-visite-de-travail-a-l-oapi>

⁵⁶ <http://www.oapi.int/index.php/fr/oapi/presentation/etats-membres/item/700-les-dg-de-l%E2%80%99oapi-et-de-l%E2%80%99inpi-%C3%A9changent-%C3%A0-paris>

⁵⁷ http://www.oapi.int/Ressources/oapimagazine/2015/OAPI_MAG_026_JUILLET_2015.pdf

⁵⁸ <http://oapi.int/index.php/en/oapi/ORGANIZATION/structures-nationales-de-liaison/item/421-formation-des-cadres-africains-l-oapi-beneficie-du-soutien-de-la-coree-du-sud>

⁵⁹ http://www.oapi.int/Ressources/oapimagazine/2019/OAPI_MAG033_OCTOBRE_2019.pdf

⁶⁰ <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W647.pdf&Open=True>

⁶¹ https://www.wipo.int/edocs/mdocs/africa/en/wipo_aripo_oapi_inn_hre_19/wipo_aripo_oapi_inn_hre_19_inf_1_prov.pdf

⁶² <https://www.flickr.com/photos/wipo/44982758602>

SOUTH AFRICA

We have been able to establish evidence of cooperation between South Africa and the following countries and /or international IP bodies - much of this information has been obtained directly from our South African office, links are not always available.

CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (CNIPA)

The South African Companies and Intellectual Property Commission (CIPC) has worked with CNIPA when it comes to training examiners on the substantive search and examination of patent applications. No further details are available.

EUROPEAN PATENT OFFICE (EPO) and EUROPIAN UNION INTELLECTUAL PROPERTY OFFICE (EUIPO)

Training

The CIPC has worked with the EUIPO when it comes to training examiners on the substantive search and examination of patent applications.

Memorandum of Understanding (MoU)⁶³

In 2018, CIPC and the EPO signed a MoU on Reinforced Cooperation.

The MOU focusses on building-up national capacity as regards substantive search and examination of patent applications in South Africa, in light of South Africa's new National IP Policy.

The two offices agreed to cooperate on undertaking a study which will make recommendations and proposals for the structural and legislative reforms required to implement the patent-related parts of that policy.

JAPAN PATENT OFFICE (JPO)

On 29 August 2019, the Japan Patent Office (JPO) held a Policy Dialogue with three African Intellectual Property Offices (IPOs) - Kenya, South Africa (CIPC) and OAPI - for the purpose of promoting cooperation in the IP field. The JPO proposed to '*strengthen comprehensive cooperation on IP infrastructure development*' with the three offices.⁶⁴

The agreement provides that cooperation between JPO and CIPC will be enhanced, with a view to expanding business opportunities for Japanese enterprises in the region. The specific areas of cooperation for IP infrastructure development includes human resource development in the IP field, improvement of examination systems, sharing knowledge on support programs for small and medium sized enterprises (SMEs), and sharing knowledge of information technology.

UNITED KINGDOM INTELLECTUAL PROPERTY OFFICE (UKIPO)

The CIPC has worked with the UKIPO when it comes to training examiners on the substantive search and examination of patent applications.

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

The trademark division of CIPC has worked with the USPTO on the training of trademark examiners, as well as the patent examiners regarding substantive search and examination of patent applications.

⁶³ <http://www.chinaipmagazine.com/en/news-show.asp?id=9954>

⁶⁴ https://www.meti.go.jp/english/press/2019/0829_001.html

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

2016

The following events are worth reporting:

- WIPO and CIPC signed a Memorandum of Understanding to evaluate the technical functionality of the IPAS system and its ability to support the requirements of CIPC.⁶⁵
- CIPC recruited 20 patent searchers to be trained on substantive search and examination of patents.

2017

- There was a Consultative Workshop on The Draft IP Policy 25 Oct 2017.⁶⁶
- There was a WIPO/CIPC Workshop on The South African IP Training Manual On Investigation And Prosecution Of IP Crime For Senior Law Enforcement, 30 Oct 2017.⁶⁷
- The WIPO National Patent Drafting Workshop, 13 Nov 2017.⁶⁸
- The WIPO South Africa Summer School on Intellectual Property And Transfer of Technology, 27 Nov 2017.⁶⁹
- The international conference Respect for IP Growing from the Tip of Africa. The conference - the first of its kind - was a global intellectual property (IP) event that was intended to foster dialogue on building respect for IP, with the ambitious goal of supporting a balanced IP enforcement system through international cooperation. (Date not provided).⁷⁰
- An IPR Enforcement Training Manual. The South African Training Manual on Investigating and Prosecuting IP Crime is a joint effort of the Companies and Intellectual Property Commission (CIPC) and WIPO.⁷¹

2018

CIPC and WIPO developed the Intellectual Property Policy, which takes account of national priorities of government and provides a coordinated approach to IP matters by government departments and organs of state. One important policy was the introduction of Substantive Search and Examination (SSE) for patent applications.⁷²

TANZANIA

We have been able to establish evidence of cooperation between Tanzania and the following countries and /or international IP bodies:

EUROPEAN PATENT OFFICE (EPO) and ARIPO

Training

Under the ARIPO Patent Examination Training programme (ARPET), AfrIPI, ARIPO and the European Patent Office (EPO) have partnered together to train patent examiners of the national patent offices of ARIPO Member States.

A residential training programme was held in Zanzibar, Tanzania, from 11-15 July 2022, with approximately 40 participants.

⁶⁵ https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_22/cdip_22_interactive_dialogue_4.pdf

⁶⁶ https://www.gov.za/sites/default/files/gcis_document/201708/draft-intellectual-property-policy.pdf

⁶⁷ https://www.wipo.int/edocs/mdocs/enforcement/en/wipo_cipc_ip_pre_17/wipo_cipc_ip_pre_17_inf_1.pdf

⁶⁸ <https://www.tto.uwc.ac.za/wp-content/uploads/2017/07/2017-WIPO-Summer-School-Communique.pdf>

⁶⁹ <https://www.tto.uwc.ac.za/wp-content/uploads/2017/07/2017-WIPO-Summer-School-Communique.pdf>

⁷⁰ https://www.wipo.int/meetings/en/2018/respectip_africa_conference.html

⁷¹ https://www.wipo.int/meetings/en/details.jsp?meeting_id=48686

⁷² https://www.gov.za/sites/default/files/gcis_document/201808/41870gen518_1.pdf

The objective of the training programme was to develop the knowledge and skills of patent examiners of ARIPO Member States.

The ARPET programme included the following topics:

- competency-based framework and curriculum to train examiners;
- conducting timely, high-quality searches and examinations of local applications;
- implementing international and EPO procedures;
- second filing practices.

KOREA INDUSTRIAL PROPERTY OFFICE (KIPO)

The Republic of Korea (ROK) is party to two cooperation arrangements with WIPO under the Funds in Trust (FIT) scheme:

- The first, covering industrial property-related projects, was set up by the Korean Intellectual Property Office (KIPO) in 2004;
- The second, covering copyright-related activities by the Ministry of Culture and Tourism (MCT).

Since their inception, these funds have financed a total of 28 activities in support of 50 developing and least developed countries (LDCs).

The FIT arrangement with KIPO places special emphasis on support for LDCs in all regions. Projects last year, for example, included setting up an IP information centre in Tanzania.⁷³

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Less Developed Country (LDC) status

Tanzania has been designated a LDC⁷⁴

WIPO has been playing an increasingly active role in the development of national IP policies, strategies and IP development plans for LDC members in line with recommendations from the WIPO Development Agenda initiative. In October 2010, Tanzania submitted its priority needs communication for financial and technical support to the WTO TRIPS Council.

Since the 2010 submission, a number of activities have been carried out and/or are in progress including:⁷⁵
⁷⁶

- The review of the IP legislation which should result in a new IP act.
- IP awareness creation programmes are being conducted and are complemented by participation at some exhibitions such as the International Trade Fair.
- A Tanzanian National IP strategy is under formulation with WIPO support.
- An Industrial Property Automated System (IPAS) has been installed by the Tanzanian Business Registrations and Licensing Agency (BRELA). However, a lack of capacity to sustain this IPAS is a serious threat to its viability.
- Modalities to improve the Tanzanian Intellectual Property Advisory Services and Information Centre (TIPASIC) are being considered in consultation with WIPO.
- A study on Coffee Branding Strategy is being organised in collaboration with WIPO.

TUNISIA

We have been able to establish evidence of cooperation between Tunisia and the following countries and /or international IP bodies:

⁷³ https://www.wipo.int/wipo_magazine/en/2007/05/article_0007.html

⁷⁴ https://www.wto.org/english/tratop_e/trips_e/ldc_overview_08.05.2013_full.pdf

⁷⁵ <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/IP/C/W541A1R1.pdf&Open=True>

⁷⁶ <https://www.wipo.int/tad/en/activitysearchresult.jsp?vcntry=TZ>

EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE (EUIPO)

A Memorandum⁷⁷ of Understanding between the Tunisian IP Office, INNORPI, and the European Union Intellectual Property Office (EUIPO) was signed on 15 November 2022. The agreement seeks to strengthen bilateral cooperation between INNORPI and EUIPO in matters of trademarks and industrial designs, as well as activities relating to education and awareness of industrial property.

In a separate agreement⁷⁸ the parties agreed on a series of measures to foster the Tunisian Patent System, with INNORPI's examiners being instructed in EPO scientific and technical documentation, and the European Patent Academy agreeing to support Tunisian IP training.

There is a validation Agreement between Tunisia and the EPO giving European Patents effectiveness in Tunisia⁷⁹

FRANCE INSTITUT NATIONAL DE LA PROPRIÉTÉ INDUSTRIELLE (INPI)

The National Agency for the Promotion of Scientific Research (ANPR-Tunisia), together with INPI, organized a training program (in the form of six webinars) dedicated to the network of Technology Transfer Offices.⁸⁰

KOREA INDUSTRIAL PROPERTY OFFICE (KIPO)

In 2011 KIPO hosted a seminar - the Korea-Tunisia IPR Education, Korea's IP policy and system development (KOICA cooperation project).⁸¹

UNITED KINGDOM INTELLECTUAL PROPERTY OFFICE (UKIPO)

The UK-Tunisia Association Agreement records the UK's obligations to provide suitable and effective IP protection in line with international standards, and its desire to cooperate with Tunisia on aspects of IP. The agreement achieves this by incorporating the relevant provisions of the EU-Tunisia Association Agreements, *mutatis mutandis*.⁸²

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

On 26 April 2020, the USPTO's Peter Mehravari - the USA's IP attaché for the Middle East and North Africa (MENA) region - gave a presentation on *Green Innovation with Intellectual Property*.⁸³

There was a bilateral agreement between the Government of the United States of America and the Government of Tunisia concerning the development of trade and investment relations:⁸⁴

The bilateral agreement is referenced in this article⁸⁵:

A further agreement, the Agreement on Science and Technology Cooperation, provides a mechanism for critical research and development efforts that facilitate the exchange of scientific data and results, protect intellectual property rights, and establish partnerships between official U.S. technical agencies and their counterpart institutions internationally, as well as U.S. educational and research institutions.⁸⁶

⁷⁷ <https://www.innorpi.tn/en/node/427>

⁷⁸ epo.org/news-events/news/2011/20110513.html

⁷⁹ <http://cd-ip.fr/actu-test-2/>

⁸⁰ <http://www.anpr.tn/cycle-de-formations-en-propriete-industrielle/>

⁸¹ https://www.kipo.go.kr/upload/en/download/annualreport_2010.pdf

⁸² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1010858/uk-tunisia-trade-relationship-parliamentary-report-print.pdf

⁸³ <https://jamaity.org/event/green-innovation-with-intellectual-property/>

⁸⁴ https://ustr.gov/sites/default/files/uploads/agreements/tifa/asset_upload_file459_9936.pdf

⁸⁵ <https://tn.usembassy.gov/joint-statement-u-s-tunisia-trade-investment-council/>

⁸⁶ <https://tn.usembassy.gov/signing-of-agreement-on-science-and-technology-cooperation-and-announcement-of-5-5-million-in-new-scholarships-and-educational-exchange-programs/>

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

The Technical Assistance Database shows consistent activity involving Tunisia over the period 2009 to date - most recently on collective marks.⁸⁷

The following site deals with bilateral agreements with WIPO, OAPI, EUIPO and USPTO.⁸⁸

The following site deals with IP Training Institutions (IPTIs), one of which has been established in Tunisia.⁸⁹ The WIPO Academy Project was created in the framework of a cooperation established in 2010 between the WIPO Academy and INNORPI, with the aim of developing national human capacities in the IP field. A training of trainers program delivered by the WIPO Academy under this cooperation was completed in 2015.⁹⁰

ZIMBABWE

We have been able to establish evidence of cooperation between Zimbabwe and the following countries and /or international IP bodies:

CHINA NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION (CNIPA)

At the 2018, Beijing Summit of the Forum on China-Africa Cooperation (FOCAAC) the IP cooperation between China and Africa was included in the *Forum on China-Africa Cooperation Beijing Action Plan (2019-2021)*. In July the Deputy Commissioner Xiao Xingwei visited Zimbabwe and met with ARIPO and the Zimbabwe Intellectual Property Office (ZIPO).⁹¹

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

WIPO has been providing technical assistance to the government of Zimbabwe for the elaboration of a national IP policy and strategy since 2012.⁹²

The following site contains a list of IP seminars and similar event that WIPO has hosted in Zimbabwe.⁹³

CONCLUSION

The report examines the levels of cooperation that exist between a number of African nations and regional IP bodies, namely:

Algeria, ARIPO, Egypt, Ethiopia, Ghana, Kenya, Morocco, Nigeria, OAPI, South Africa, Tanzania, Tunisia and Zimbabwe and the IP offices of a number of non-African countries and regional authorities, namely:

China (CNIPA), European Union (EUIPO), European Patent Office (EPO), France (INPI), Japan (JPO), Korea (KIPO), USA (USPTO), and the World Intellectual Property ORGANIZATION (WIPO).

The report establishes that there is significant cooperation. The cooperation takes many different forms, including:

⁸⁷ <https://www.wipo.int/tad/en/activitysearchresult.jsp?vcntry=TN>

⁸⁸ <https://www.innorpi.tn/fr/cooperation-internationale>

⁸⁹ https://www.wipo.int/academy/en/training_institutions.html

⁹⁰ [National Academy of Intellectual Property - INNORPI \(WIPO Academy Project\)](https://english.cnipa.gov.cn/module/download/down.jsp?i_ID=143064&colID=2076)

⁹¹ https://english.cnipa.gov.cn/module/download/down.jsp?i_ID=143064&colID=2076

⁹² <https://www.wipo.int/tad/en/activitydetails.jsp?id=16428>

⁹³ <https://www.wipo.int/tad/en/activitysearchresult.jsp?vcntry=ZW>

Study visits, seminars, training of government officials, workshops, symposiums, asset management tuition, patent drafting tuition, virtual meetings, delegations, technical agreements, technical assistance, twinning projects, creation of online filing systems, creation of university courses, assistance with IP policy documents, patent validation agreements, publications of articles, and the creation of financing mechanisms for patent engineers.

What the report cannot do, however, is establish definitively to what extent the various African nations and institutions have benefitted from the cooperation that has occurred. The reader can, however, infer that the benefit has been significant.

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