

**Africa Intellectual Property Newsletter Vol. 83**

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**News**

**1. Important topics**

**ARIPO: “We aim to be as agile as possible” – exclusive interview with ARIPO DG Bemanya Twebaze<sup>1</sup>**

In an interview with World Trademark Review magazine, ARIPO Director General, Bemanya Twebaze, made these points:

- ARIPO has 22 member states.<sup>2</sup>
- The ARIPO system allows rights owners to file applications in member states that are parties to the following protocols – Banjul (trademarks), Harare (patents) and Arusha (plant varieties).
- In 2022, 672 ARIPO trademark applications were filed, up from 510 in 2021 - a 31.7% increase.
- 2022 saw a growth of membership, with Cape Verde joining ARIPO as the 22<sup>nd</sup> member.
- The Banjul Protocol was amended in 2022, with the amendments aimed at simplifying processes.
- There are plans to carry out a comprehensive review of the Banjul Protocol and this will involve consultation with stakeholders.

Twebaze ended by suggesting that it is time for international brands to consider protecting their trademarks in ARIPO member states.

**Cape Verde: ARIPO head visits Cape Verde<sup>3</sup>**

ARIPO head Bemanya Twebaze led an ARIPO delegation to Cape Verde, where he met the country’s prime minister and visited innovation and research centres, as well as the university.

Twebaze expressed thanks to various officials for their commitment to IP, a commitment that he says is backed up by Cape Verde’s recent ratification of various ARIPO protocols.

**Ghana: World Intellectual Property Day 2023 launched<sup>4</sup>**

26 April 2023 was World Intellectual Property Day, and the theme was *Women and IP: Accelerating Innovation and Creativity*.

In Ghana, the Acting Registrar-General Grace Ama Issahaque, used this as an opportunity to increase awareness of IP, especially amongst women. Issahaque called on Micro, Small and Medium Enterprise (MSMEs) owners, especially women, to develop IP strategies for their businesses, in order to achieve a competitive edge.

She further encouraged business owners and creatives to visit the Ghana Intellectual Property Office in order to learn more and register their IP rights.

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<sup>1</sup> <https://www.worldtrademarkreview.com/article/we-aim-be-agile-possible-exclusive-interview-aripo-dg-bemanya-twebaze>

<sup>2</sup> <https://www.aripo.org/member-states/>

<sup>3</sup> [https://www.linkedin.com/posts/bemanya-twebaze-922255192\\_intellectualproperty-ip-culture-activity-7053625374051639298-glyv/?utm\\_source=share&utm\\_medium=member\\_ios](https://www.linkedin.com/posts/bemanya-twebaze-922255192_intellectualproperty-ip-culture-activity-7053625374051639298-glyv/?utm_source=share&utm_medium=member_ios)

<sup>4</sup> <https://www.ghanabusinessnews.com/2023/04/17/world-intellectual-property-day-2023-launched/>

**Guinea: Guinea junta’s hard line on illicit medicines makes inroads but proves unpopular among consumers<sup>5</sup>**

Guinea is a hotspot for counterfeit pharmaceuticals, with some 70% of medicines sold in the country being illicit.

Guinea’s military government is now seeking to end the illicit trade - arrests have been made and over 200 containers of illicit drugs were seized at Conakry’s port in July 2022. There are now calls for all officials and community leaders to report violations or face jail time.

The authorities face various problems. Black market medication is cheaper than genuine goods, and locals believe that it is more effective. Moreover, the trafficking, illegal manufacture and sale of pharmaceuticals is deeply rooted in Guinea and has become a very lucrative business.

**Kenya: Expansion of the ACA recordation enforcement program<sup>6</sup>**

The Kenyan Anti-Counterfeit Authority (ACA) recently announced an expansion of the recordation enforcement program through the ACA Import Permit process. The recordation enforcement program has since 1 January 2023 been limited to the following categories of goods:

*Alcoholic beverages; electronics and electricals; pharmaceuticals; apparel; footwear and cosmetics.*

As of 1 May 2023, the program extends to a number of further ‘HS Codes’ and the Form ACA 2B will be required for all consignments falling under the selected HS codes. This is a technical area that goes beyond the scope of this report - exporters and importers should seek professional advice.

**Kenya: ACA launches new strategy to address rampant trade in counterfeit and protection intellectual property rights for the next five years<sup>7</sup>**

The Kenyan Anti-Counterfeit Authority (ACA) recently launched its 3<sup>rd</sup> strategic plan<sup>8</sup> for the period 2023 to 2026. Here are some of the main points:

- The government will support the ACA's coordinating role to ensure multi-sectoral collaboration in the war against counterfeiting.
- The government is committed to developing a National Intellectual Property Policy and Strategy to increase public awareness about IP rights and stimulate growth of IP rights for social-economic and cultural development.
- The fight against counterfeiting is at the heart of the government’s manufacturing and investment strategy.
- The new strategic plan is aligned with various key government policy instruments such as Vision 2030 and the Fourth Medium Term Plan (MTP IV), the "Kenya Kwanza" government development agenda, Africa's Agenda 2063, and the Sustainable Development Goals (SDGs).

<sup>5</sup> <https://www.dailymaverick.co.za/article/2023-04-11-guinea-juntas-hard-line-on-illicit-medicines-makes-inroads-but-proves-unpopular-among-consumers/>

<sup>6</sup> <https://www.aca.go.ke/media-center/news-and-events/399-expansion-of-regulated-hs-codes-for-phase-ii-implementation-of-import-declaration-of-iprs>

<sup>7</sup> <https://www.aca.go.ke/media-center/news-and-events/391-aca-launches-new-strategy-to-address-rampant-trade-in-counterfeit-and-protection-intellectual-property-rights-for-the-next-five-years>

<sup>8</sup> <https://www.aca.go.ke/images/ACA-ST-Plan-2022-2023-Abridged.pdf>



The academics argue that there should be no copyright in AI-generated works because there is no human authorship, alternatively because there is no originality, with the work having been developed from pre-existing information or texts. They go on to suggest that the South African authorities should make use of the fact that the Copyright Amendment Bill 2017 is currently before Parliament, and introduce specific AI-related provisions.

#### **South Africa: CIPC– protecting SA citizens’ innovations through the Inventors Assistance Program<sup>14</sup>**

The head of South Africa’s Companies and Intellectual Property Commission (CIPC), Rory Voller, recently posted about the Inventors’ Assistance Program, a program that has been in existence since 2017.

The aim of the program is to increase the prospects of under-resourced inventors securing patent protection.

In order to qualify the inventor must be earning less than a prescribed amount, and must complete an online training course. The inventor is then paired with a patent attorney who will act *pro bono* (without charge).

The attorney will examine the invention and conduct a search for prior art and novelty. The attorney will then make a recommendation about whether the application should proceed.

#### **South Africa: The Registrar of Patents takes steps to prevent abuse of South Africa’s patent system<sup>15</sup>**

In an article dealing with the alleged abuse of the South African patent system, a South African patent attorney, Tyron Grant, Partner, Spoor & Fisher, makes the following points:

- South Africa has a non-examination system for patents, although plans are afoot to introduce examination.
- The South African patent system is being abused by companies from China and India who use it without claiming priority from other applications, and seek expedited acceptance and grant of South African patents in order to leverage rebates and incentives awarded by their governments on grant of foreign patents. This has the effect of slowing down other applications in South Africa.
- The scale of the abuse is evidenced by these figures - 2021 saw a 28% increase in patent filings in South Africa, whereas in 2022, 34% of applications filed were filed by foreign applicants in the first instance, claiming no priority.
- A non-examining patent system like South Africa is left vulnerable to abuse where an applicant applies for and obtains a patent for subject matter that it knows to be lacking in novelty or inventiveness.
- The SA registry is responding to this issue. As of 11 April 2023, applicants requesting expedited acceptance of patent applications need to submit within prescribed time limits one or more of the following documents: for PCT national phase patent applications, a copy of a corresponding Written Opinion of the International Searching Authority (WO-ISA) or International Preliminary Report on Patentability (IPRP), where the WO-ISA or IPRP has considered the subject matter of at least one claim of the PCT application to be both novel and inventive; otherwise a copy of a search and/or examination report of an equivalent foreign patent application where an examining patent office has considered the subject matter of at least one claim of the equivalent foreign application to be both novel and inventive.

#### **Uganda: Kenya, Uganda join hands to fight counterfeits<sup>16</sup>**

On 20 April 2023, the Anti-Counterfeit Authority of Kenya (ACA) and Uganda’s Anti-Counterfeit Network (ACN Africa) signed a Memorandum of Understanding (MoU) aimed at strengthening strategic collaboration

<sup>14</sup> [https://www.linkedin.com/posts/activity-7051908683194056704-EI0K/?utm\\_source=share&utm\\_medium=member\\_ios](https://www.linkedin.com/posts/activity-7051908683194056704-EI0K/?utm_source=share&utm_medium=member_ios)

<sup>15</sup> <http://techsmart.co.za/news/The-Registrar-of-Patents-takes-steps-to-prevent-abuse-of-South-Africas-patent-system.html>

<sup>16</sup> <https://www.monitor.co.ug/uganda/news/national/kenya-uganda-join-hands-to-fight-counterfeits--4206514>

on matters pertaining to the elimination of fake goods in East Africa. According to the article both countries lose significant revenue as a result of counterfeiting.

## **2. Additional topics**

### **Africa**

#### **Africa affirms need to embrace technology (2023.5.1)**

<https://www.chronicle.co.zw/africa-affirms-need-to-embrace-technology/>

### **Africa**

#### **China – Africa Collaboration in Technology Transfer (2023.5.2)**

<https://www.modernghana.com/news/1227890/china-africa-collaboration-in-technology-transfer.html>

### **Africa**

#### **Empowering and Embracing Women in IPR and Innovation - Policies and Measures in Africa, China, India, Latin America or South-East Asia (World IP Day 2023) (2023.4.26)**

[https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/empowering-and-embracing-women-ipr-and-innovation-policies-and-measures-africa-china-india-latin-2023-04-26\\_en](https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/empowering-and-embracing-women-ipr-and-innovation-policies-and-measures-africa-china-india-latin-2023-04-26_en)

### **Africa**

#### **Remarks by embassy IChip attorney advisor Tanya Hill – judicial colloquium Swakopmund, Namibia (2023.5.3)**

<https://ng.usembassy.gov/remarks-by-embassy-ichip-attorney-advisor-tanya-hill-judicial-colloquium-swakopmund-namibia/>

### **Africa**

#### **What lessons might there be for African states from UK's rollercoaster Brexit (2023.4.30)**

<https://iafrica.com/what-lessons-might-there-be-for-african-states-from-the-uks-rollercoaster-brexit/>

### **ARIPO**

#### **Advancing IP communications and awareness (2023.3.17)**

<https://www.aripo.org/advancing-ip-communications-awareness/>

### **Kenya**

#### **Stakeholders in intellectual property sector root for women empowerment (2023.4.29)**

<https://www.capitalfm.co.ke/business/2023/04/stakeholders-in-intellectual-property-sector-root-for-women-empowerment/>

### **Nigeria**

#### **Nigeria's new Copyright Act 2022: How libraries can benefit (2023.4.10)**

<https://infojustice.org/archives/45222>

### **OAPI**

#### **A website dedicated to Geographical Indications (2023.4.26)**

<http://oapi.int/index.php/fr/component/k2/item/777-un-site-internet-d%C3%A9di%C3%A9-aux-indications-g%C3%A9ographiques>

### **OAPI**

#### **OAPI committed to better serve its users (2023.4.14)**

<http://oapi.int/index.php/fr/component/k2/item/775-l%E2%80%99oapi-engag%C3%A9-%C3%A0-mieux-servir-ses-usagers>

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