

Africa Intellectual Property Newsletter Vol. 87

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News

1. Important topics

Africa: AfrIPI successfully concludes a three-year initiative to set up collaborative innovation platforms in 17 OAPI countries¹

After almost three years of support to Member States of the African Intellectual Property Organization (OAPI), AfrIPI hosted the final stage of the initiative known as *Setup of innovation platforms in OAPI pilot countries*.

At a dinner in Abidjan, Ivory Coast, a selection committee identified three pilot innovation platforms that will be supported by the AfrIPI partners in 2024.

- Togo: a national platform for agricultural and agri-food innovations.
- Cameroon: a platform for agriculture, agri-industry, pharmaceuticals and cosmetics.
- Côte d'Ivoire: a virtual platform for producing and marketing innovations.

Africa: Challenges in protecting and enforcing Intellectual property on the African continent²

¹ <https://afripi.org/news/afripi-successfully-concludes-3-year-initiative-set-collaborative-innovation-platforms-17-oapi> (2023.8.9)

² <https://www.zawya.com/en/economy/africa/challenges-in-protecting-and-enforcing-intellectual-property-in-the-african-continent-jl2icohh> (2023.8.8.)

In an article a journalist lists these reasons why brands and individuals face challenges in the protection and enforcement of their intellectual property (IP) in Africa

- A convoluted network of legal frameworks and a lack of harmonization in IP laws and practice, rather than a single uniform IP system or laws across the continent.
- Infrastructural issues, for example IP Offices with limited resources and funding, outdated technology, and insufficient staffing and expertise.
- Trademark squatting, particularly in first-to-file jurisdictions.
- A lack of awareness, funding and education concerning IP – the author suggests that in Africa, IP is not yet seen as a *'currency in the knowledge economy'*.
- A negative perception of Africa, and not enough publicity about the continent's many thriving economies with exciting talent, infrastructure plans, technology and game-changing solutions.

ARIPO: ARIPO Director General engages members of the diplomatic corps³

The Director General of the African Regional Intellectual Property Organization (ARIPO), Bemanya Twebaze, hosted ARIPO Members and Observer States Ambassadors at the Secretariat on 25 July 2023 - Botswana, Ghana, Kenya, Malawi, Namibia, Rwanda, Tanzania, and Zambia were the Member States in attendance, with the Democratic Republic of Congo, Ethiopia, South Africa and South Sudan attending as Observer States.

Twebaze presented statistics illustrating Africa's *'staggeringly low patent and industrial design applications...in contrast with statistics from other continents such as Asia.'* He called on the ambassadors to *'raise awareness and garner support for the importance of IP protection in Africa.'*

ARIPO: ARIPO Technical Committee on Industrial Property meets to review Harare and Banjul protocols to ensure alignment with relevant treaties⁴

A meeting of the ARIPO Technical Committee on Industrial Property (TCIP) was held on 22 August 2023. The aim was to produce a review of the Harare and Banjul Protocols, and ensure alignment with relevant international treaties and best practices. The ARIPO countries presently constituting the TCIP are: Gambia, Liberia, Rwanda, Tanzania and Zimbabwe.

ARIPO: ARIPO Technical Committee on Copyright and Related Rights deliberates copyright-related initiatives for various African countries⁵

The 10th Session of the Technical Committee on Copyright and Related Rights (TCCR), which commenced on 24 August 2023, has concluded. We are told that:

- The meeting involved Botswana, Ghana, Kenya, Liberia and Zimbabwe.
- The parties deliberated on copyright-related initiatives for the region.
- Amongst the topics discussed were *Regional Strategy on Private Copy Remuneration* and *Reputation Management Guide for Collective Management Organizations*.

Cape Verde: Madrid Protocol declarations⁶

³<https://www.aripo.org/public/news/ARIPO+Director+General+Engages+Members+of+the+Diplomatic+Corps-1690471850> (2023.7.26)

⁴https://www.linkedin.com/posts/african-regional-intellectual-property-organization_aripo-harare-banjul-activity-7099656421666959360-1Guc/?utm_source=share&utm_medium=member_ios (2023.7.22)

⁵https://www.linkedin.com/posts/african-regional-intellectual-property-organization_aripomemberstates-copyright-intellectualproperty-activity-7100851897758048256--DpQ/?utm_source=share&utm_medium=member_ios (2023.8.)

⁶https://www.wipo.int/edocs/madrdocs/en/2023/madrid_2023_22.pdf (2023.7.20)

Cape Verde, a recent signatory to the Madrid Protocol, has notified WIPO that it has opted for the following:

- The 18-month refusal period - Article 5(2)(b).
- Individual class fees - Article 8(7)(a).

The notification was done by way of declarations that have effect from 26 September 2023. The fees on registration will be SWF169 for the first class, SWF62 for each additional class, and SWF86 on renewal.

Egypt: Creation a new IP Office for the Egyptian Authority for IP announced ⁷

The Egyptian authorities have announced the creation of a new Egyptian IP office, which will be known as the Egyptian Authority for Intellectual Property - the announcement was made in Law No. 163 of 2023, published in the Official Gazette No. 31 on 11 August 2023, establishing the Egyptian Authority for Intellectual Property.

The new authority will centralize IP protection and replace a number of existing offices, including the Academy of Scientific Research and Technology, the Patent Office, and the Plant Varieties Protection Office. It will be required to be fully functional within a period of one year from the date of enforcement of this law.

Equatorial Guinea: OAPI initiates training sessions in Equatorial Guinea⁸

OAPI has initiated training sessions in Equatorial Guinea, aimed at putting the country in a position where it can establish a national committee in charge of Geographical Indications (GIs).

The posting says that the committee is an essential link in the process of protecting, recognizing and promoting GIs in member states.

KENYA

Kenya: Nakuru county partners with ACA to host business community sensitization forum⁹

A posting on the website the Kenyan Anti-Counterfeit Authority (ACA) reports that the ACA, together with the County Government of the region of Nakuru, successfully organized an open-air consultative forum in Nakuru City – the object of the exercise was to foster a stronger partnership with the business community.

The posting says that there has been a surge in counterfeit trade in this region. The aim of the forum was to promote effective collaboration between government agencies and traders in combatting counterfeit trade.

Kenya: PAP Kenya lauds shutdown of illegal ISPs¹⁰

A Kenyan anti-piracy lobby group, Partners Against Piracy (PAP) Kenya, has commended the Kenyan Police and the Kenya Copyright Board (KECOBO) for shutting down two major illegal internet service providers (ISPs) in Kenya - Kozi TV and Wavelink Network. The two ISPs were illegally transmitting premium content to some 6000 customers, thereby '*undermining the development of a healthy digital market*'.

⁷ <https://spoor.com/egypt-a-new-ip-office/> (2023.8.23)

⁸ https://www.linkedin.com/posts/oapi-linkedin_lanc%C3%A9-le-31-juillet-2023-%C3%A0-bata-la-premi%C3%A8re-activity-7092481792137379840-FR5W/?utm_source=share&utm_medium=member_ios (2023.7.31)

⁹ <https://www.aca.go.ke/media-center/news-and-events/443-nakuru-county-partners-with-aca-to-host-business-community-sensitization-forum> (2023.8.3)

¹⁰ <https://www.musicinafrica.net/magazine/pap-kenya-lauds-shutdown-illegal-isps> (2023.8.11)

Kenya: European Union delegation visits for strengthened collaboration in combatting intellectual property rights theft across the region¹¹

A delegation from the European Union led by the EU Trade Counsellor to Kenya, Martijn Boelen, and the EU Africa Regional Counsellor Intellectual Property, Gregor Schneider, recently visited the Kenyan Anti-Counterfeit Authority (ACA) Executive Director, Dr. Robi Mbugua Njoroge in Nairobi. The purpose of the visit was to review existing areas of collaboration, targeting capacity-building and legislative interventions aimed at effectively protecting IP rights in Kenya.

Kenya: Exploring strong collaborative partnerships: ACA engages Kenya's private sector alliance in stepping up war on counterfeit trade¹²

The Kenya Private Sector Alliance (KEPSA) has agreed to collaborate with the Anti-Counterfeit Authority (ACA) to explore potential areas of partnership in combating counterfeiting and promoting consumer protection in Kenya.

The Executive Director of the ACA, Dr. Robi Mbugua Njoroge, said the ACA will continue to engage in constructive dialogues with the private sector to protect IP rights, whilst also protecting consumers from the detrimental effects of counterfeit goods.

Liberia: Liberia to Lead Copyright Monitoring¹³

The director of the Copyright Society of Liberia (COSOL), Prince Emmanuel Decker, has announced that Liberia has enhanced its capacity in copyright, and is expected to emerge as one of the *'leaders in copyright monitoring in Africa'*.

Decker claims that COSOL, Liberia's only Collective Management Organization (CMO), has made great progress over the last three years and that it has, through the collection and distribution of royalties, added significantly to wealth creation in Liberia.

Nigeria: Trendx Partners with the Nollywood Factory to Offer Africa's First IPR Tokens.¹⁴

A Nigerian blockchain start-up company that tokenizes real-life assets, Trendx, has signed a deal with a leading African film-making company, The Nollywood Factory, to tokenize the intellectual property (IP) rights of a new film project. The IP rights include merchandising and licensing. Tokenization is described as *'the process of using blockchain technology to represent the ownership or value of an asset'*.

Nigeria: What is Nigeria's plan to become Africa's creative and entertainment capital?¹⁵

Nigeria's creative industry - which includes film (Nollywood), performing arts, fashion, visual arts, advertising, TV and broadcast - contributes 1.43% to the country's GDP, with the potential to go up to 5%.

A major challenge facing Nigeria's creative sector, however, is the weak protection of IP rights. The Nigerian Copyright Commission (NCC) reports that the Nigerian film industry loses an estimated \$1 billion annually due to piracy. A report by a law firm, Banwo & Ighodalo, says that IP rights in Nigeria are hampered by low public awareness, ineffective mechanisms, inadequate penalties, corruption, and lack of coordination.

¹¹ <https://www.aca.go.ke/media-center/news-and-events/446-european-union-delegation-visits-for-strengthened-collaboration-in-combating-intellectual-property-rights-theft-across-the-region> (2023.8.21)

¹² <https://www.aca.go.ke/media-center/news-and-events/444-exploring-strong-collaborative-partnerships-aca-engages-kenyas-private-sector-alliance-in-stepping-up-war-on-counterfeit-trade> (2023.8.22)

¹³ <https://allafrica.com/stories/202308220343.html> (2023.8.22)

¹⁴ <https://techcabal.com/2023/07/27/trendx-partners-with-the-nollywood-factory-to-offer-africas-first-ipr-tokens/> (2023.7.27)

¹⁵ <https://venturesafrica.com/what-is-nigerias-plan-to-become-africas-creative-and-entertainment-capital/> (2023.7.28)

The Nigerian government is planning to develop a legal framework that will protect the rights and interests of creators and investors in the sector. The framework will include laws and regulations that safeguard the ownership, control, and remuneration of creative works, as well as prevent and punish piracy, plagiarism, and infringement.

Nigeria: NCC builds capacity for NBA to enhance copyright and IP jurisprudence among lawyers¹⁶

The Director-General of the Nigerian Copyright Commission (NCC), Dr. John O. Asein, has called on members of the Nigerian legal profession to improve their knowledge of IP law, particularly copyright law, especially in the light of the new legislation, the Copyright Act, 2022.

Asein made this call on 8 August 2023, at the opening of a Workshop on Copyright for members of the Nigerian Bar Association, held at the Faculty of Law, University of Abuja.

OAPI: The OAPI Appeals procedure explained¹⁷

A posting provides an insight into the OAPI Appeals procedures. It explains that the Superior Appeals Commission (CSR) is made up of three magistrates. This body is competent to hear appeals against the decisions of the Director General dealing with:

- the rejection of applications for IP rights;
- decisions on oppositions to applications for IP rights;
- decisions on ownership claims;
- the rejection of requests for restoration.

During the period 17-20 July 2023 the body considered, inter alia, 14 trademark oppositions.

OAPI: GI training in Central African Republic¹⁸

From 2-4 August 2023 OAPI, in partnership with the Central African Republic, hosted an awareness-raising workshop on the topic of Geographical Indications (GIs) and collective marks – the workshop took place in the Central African Republic city of Bangui, and it was supported by the nation's Ministry of Trade.

South Africa: South Africa could benefit by following EU lead in updating design laws¹⁹

South African IP lawyer of Spoor & Fisher, Marco Vatta, says that the European Union is currently undertaking a review of its design laws, with the aim of making design law protection more relevant to the digital world. Vatta suggests that South Africa should do something similar. He suggests that the following changes could be made to South African design law:

- the definition of a design could be broadened to include digital products;
- the restriction on the enforceability of a design beyond the class in which it is registered could be removed; and
- the protection of multiple designs in a single registration could be allowed.

¹⁶ <https://copyright.gov.ng/ncc-builds-capacity-for-nba-to-enhance-copyright-ip-jurisprudence-among-lawyers/> (2023.8.16)

¹⁷ https://www.linkedin.com/posts/oapi-linkedin_oapi-csr-propriaetztaezintellectuelle-activity-7091036445741604864-PG46/?utm_source=share&utm_medium=member_ios (2023.8.)

¹⁸ https://www.linkedin.com/posts/oapi-linkedin_oapi-indicationgeographique-rca-activity-7093183898360111104-TIAe/?utm_source=share&utm_medium=member_ios (2022.8.4.)

¹⁹ <https://www.lexology.com/commentary/intellectual-property/south-africa/spoor-fisher/south-africa-could-benefit-by-following-eu-lead-in-updating-design-laws> (2023.7.31)

Uganda: Member of Parliament (MP) wins House approval to introduce Anti-counterfeiting Bill²⁰

The Ugandan Parliament has granted leave to a member of parliament, Asuman Basalirwa, to introduce a Private Member's Bill entitled The Anti-Counterfeiting Bill, 2023. The proposed Bill will:

- prohibit trade in goods that *'infringe upon protected intellectual property rights'*;
- create offences relating to trade in counterfeit goods;
- empower the Commissioner General of the Uganda Revenue Authority to confiscate suspected counterfeit goods;
- allow inspectors appointed by the Uganda National Bureau of Standards to do the same.

The proposer of the bill says that counterfeiting is rife and the IP laws in Uganda do not provide administrative remedies that can be accessed through national IP agencies.

2. Additional topics

Africa General:

New AfCFTA protocols will create a level playing field for businesses (2023.8.4.)

<https://www.ghanaweb.com/GhanaHomePage/business/New-AfCFTA-protocols-will-create-a-level-playing-field-for-businesses-Appiah-Kusi-Adomako-1818212>

Navigating the AI frontiers in Africa and Ghana: Intellectual Property Rights and Generative Technologies (2023.8.20.)

<https://www.modernghana.com/news/1253002/navigating-the-ai-frontier-in-africa-and-ghana.html>

OAPI:

The three pilot projects of the University-Business Innovation Platform in the Member States of the OAPI (2023.8.)

https://www.linkedin.com/posts/africaipr_afripi-afripi-activity-7090677476317634560-BXnX/?utm_source=share&utm_medium=member_ios

Kenya:

Business associations in Kisumu and Lake Basin region in partnership call with ACA in efforts geared towards combatting counterfeit trade (2023.7.31)

<https://www.aca.go.ke/media-center/news-and-events/438-business-associations-in-kisumu-and-lake-basin-region-in-partnership-call-with-aca-in-efforts-geared-towards-combating-counterfeit-trade>

Morocco:

OAPI/OMPIC/ ASMEX activity (2023.8.)

https://www.linkedin.com/posts/oapi-linkedin_oapi-ompic-asmex-activity-7093304632520658944-6BGy/?utm_source=share&utm_medium=member_ios

Nigeria:

Nigeria artists should protect their intellectual property – Omambala (2023.8.13)

<https://businessday.ng/life-arts/article/nigerian-artists-should-protect-their-intellectual-property-omambala/>

NCC commits to engaging with university students, young creatives to grow IP knowledge (2023.8.17)

<https://copyright.gov.ng/ncc-commits-to-engaging-with-university-students-young-creatives-to-grow-ip-knowledge/>

South Africa:

²⁰ <https://www.zawya.com/en/press-release/africa-press-releases/uganda-member-of-parliament-mp-wins-house-approval-to-introduce-anti-counterfeiting-bill-x6krd5ku> (2023.7.28)

CIPC lauds the seizing of counterfeit clothing and footwear: a bold step towards economic growth and sustainable job creation (2023.8.)

<https://www.cipc.co.za/?p=19701>

South Africa: Protecting your intellectual property – important lessons from the EOH judgment (2023.8.8.)

<https://www.mondaq.com/Article/1352598>

Uganda:

Uganda: URSB Records Shs 77.14 Billion in Non-Tax Revenue (2023.7.27)

<https://allafrica.com/stories/202307270548.html>

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[Author]
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