

Africa Intellectual Property Newsletter Vol. 90

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1. Important topics

ARIPO: ARIPO – plans for the future¹

ARIPO Director General, Bemanya Twebaze, said the following about the ARIPO meeting in a LinkedIn posting:

- ARIPO’s member states are ‘committed to the improved use of IP for socio-economic development of Africa’ within the framework of the ARIPO Strategic Plan 2022-2026, the African Union’s Agenda 2063, WIPO’s Development Agenda and the United Nations’ Sustainable Development Goals.
- ARIPO’s goal is that IP ‘speaks to’ the common man, addressing inter alia, ‘access to medicines, food security, clean water, job creation and other bread-and-butter issues.

ARIPO: Boosting patent examination skills in Africa: Supported ARPET training²

A posting on the AfrIPI site says that the European Patent Office (EPO) and AfrIPI have worked together to further enhance the ARIPO Patent Examination Training (ARPET) programme by adding further modules to the programme.

This further training took place from 16 to 25 October 2023 at the ARIPO offices in Harare, with the aim being to provide patent examiners with additional guidance from EPO experts to actively enhance their experience of conducting patent examinations.

In a separate posting³ ARIPO publicly congratulated 30 participants for completing the ARIPO Patent Examination Training (ARPET), which means that 30 qualified patent examiners experts now serve in the respective countries.

¹ <https://www.linkedin.com/feed/hashtag/?keywords=ip4economicgrowth> (2023.11.20)

² <https://afripi.org/en/news/boosting-patent-examination-skills-africa-supported-arpet-training> (2023.11.10)

³ https://www.linkedin.com/posts/africaipr_arpet-afripi-aripomemberstates-activity-7127943056162480128-FnxI?utm_source=share&utm_medium=member_ios (2023.11)

Angola: Angola joins DESIGNclass and extends the coverage of TMClass to the Harmonized Data Base (HDB)⁴

With effect from 30 October 2023, the Angolan Institute of Industrial Property) is part of DESIGNclass, and will use and accept the list of terms from the harmonised database of product indications (HDBPI) in DESIGNclass.

Angola will also use the list of terms from the harmonized data base for trademarks classification in TMClass. DESIGNclass offers users the opportunity to search and translate product indications in 30 languages, whereas TMClass/HDB users can search and translate classification terms in 37 languages.

Kenya: Securing Kenya’s industrialization through robust intellectual property rights⁵

An article published by Kenya’s Anti-Counterfeiting Authority (ACA) discusses the threats posed by counterfeiting and the importance of having a strong IP regime. It also says certain things about the ACA.

- The ACA maintains strong alliances with domestic and international entities, such as the Kenya Association of Manufacturers, Kenya Private Sector Alliance, the East African Shippers Council, the East African Business Community, consumer protection groups, and international organizations like Interpol, the European Union, and the International Trademark Organization;
- The ACA conducts diverse programs, such as open forums, road shows, media campaigns and exhibitions.
- The ACA organizes an annual International Symposium on Intellectual Property Protection and Enforcement.

Namibia: WIPO Director General Wraps Up Official Visit to Namibia, Pledges Support in Developing Innovation Ecosystem⁶

WIPO Director General, Daren Tang, completed a two-day official visit to Namibia on 22 November 2023, meeting with, inter alia, the Vice President and the Prime Minister.

At the meetings, Tang pledged WIPO’s continued support for the strengthening of Namibia’s innovation ecosystem, with IP as a core part of policies to promote growth and development.

Tang said that WIPO is building a more inclusive IP ecosystem, focusing on start-ups and small and medium-sized businesses (SMEs), women, youth and indigenous people.

Nigeria: WIPO IP Labs Selects Top 21 Startups for Phase 2 Acceleration⁷

The WIPO Nigeria Office (WNO) recently announced the top 21 start-ups chosen for Phase 2 of the inaugural WIPO IP Labs program in Nigeria.

The start-ups span diverse industries including AgriTech, HealthTech, Clean Energy, Fintech and Waste Management. Phase 2 commenced on Monday 30 October 2023, and started with an IP Management Clinic.

Nigeria: Stakeholders seek intellectual property court to tackle piracy⁸

Four bodies – the Intellectual Property Law Association of Nigeria (IPLAN), the Directors’ Guild of Nigeria (DGN), the Nigerian Copyright Commission (NCC) and Multichoice Nigeria - have canvassed the establishment of a specialist Intellectual Property (IP) court in Nigeria.

⁴ <https://afripi.org/en/Angola-joins-DESIGNclass> (2023.10.30)

⁵ <https://www.aca.go.ke/media-center/news-and-events/464-securing-kenyas-industrialization-through-robust-intellectual-property-rights> (2023.11.25)

⁶ https://www.wipo.int/about-wipo/en/dg_tang/news/2023/news_0054.html (2023.11.22)

⁷ <https://techpoint.africa/2023/10/30/wipo-ip-labs-selects-top-21-startups-for-phase-2-acceleration/> (2023.10.30)

⁸ <https://guardian.ng/news/stakeholders-seeks-intellectual-property-court-to-tackle-piracy/> (2023.11.24)

These bodies would like to see IP infringers treated as criminals, and they argue that the proposed court will reduce piracy and boost job creation nationwide.

Nigeria: NCC / Nigeria Customs to strengthen border controls against copyright piracy⁹

On 21 November 2023, the Nigerian Copyright Commission (NCC) and the Nigeria Customs Service (NCS) announced that they have agreed to strengthen collaboration and develop new anti-piracy strategies. The announcement noted:

- The devastation caused by the activities of copyright pirates in the sector.
- That the NCC will introduce a pre-import notification system to facilitate the clearance of genuine imports of copyright materials and make the detection of illicit imports easier.
- That the NCC is working with book publishers to introduce antipiracy stamps for use on books to discourage pirates.

OAPI: When brand protection pits companies against each other¹⁰

OAPI announced that its Opposition Committee recently sat on 28 and 29 November 2023 to hear parties on various trademark oppositions. The posting makes these points:

- A trademark opposition is addressed to the Director General of OAPI, who convenes the meeting of the opposition committee.
- Hearings are attended by both the companies that own the disputed trademarks and legal representatives such as patent attorneys;
- At the hearing the parties or their legal representatives have the opportunity to provide additional arguments to the written submissions produced.
- A total of 52 oppositions were heard on this occasion.

South Africa: South Africa's fight against fake goods¹¹

An article that deals with counterfeiting in South Africa makes the point that counterfeit goods not only stifle the growth of authentic enterprises, but also corrode legal and commercial systems and disrupt conditions for a healthy market.

The article argues that counterfeiting poses serious economic risks, and that there are clear links with organized crime such as drug trafficking and terrorism. It goes on to consider:

- the protection provided by the specific counterfeiting legislation, the Counterfeit Goods Act;
- the powers of the South African Revenue Services to detain counterfeit goods;
- recent successes enjoyed by the authorities; and
- the need for greater public awareness.

South Africa: Copyright Bill a serious threat to SA creative industry and economy – if this isn't written by a competitor leave it in¹²

The South African media has once again raised the serious concerns that exist about various proposed amendments to the South African copyright legislation, amendments that are very likely to be approved by Parliament. These concerns have been raised by a body known as the Copyright Coalition of South Africa (CCSA).

⁹ <https://copyright.gov.ng/ncc-nigeria-customs-to-strengthen-border-controls-against-copyright-piracy/> (2023.11.23)

¹⁰ <http://www.oapi.int/index.php/fr/component/k2/item/833-quand-la-protection-des-marques-oppose-les-entreprises> (2023.11.30)

¹¹ <https://www.africanlawbusiness.com/news/19674-south-africa-s-fight-against-fake-goods> (2023.11.3)

¹² <https://www.bizcommunity.com/Article/196/17/243785.html> (2023.11.15)

A controversial proposed amendment is the one that replaces the existing 'fair dealing' provision regarding the use of copyrighted works with a much broader 'fair use' provision. There are concerns that copyright owners and content creators will bear the brunt of the new 'fair use' regime.

South Africa: An important IP judgment dealing with passing off by a major supermarket chain¹³

In a South African IP law judgment - Shoprite Checkers (Pty) Ltd v Pick 'n Pay Retailers (Pty) Ltd (12098/22) [2023] ZAWCHC 285 (17 November 2023) – the court ruled that a major South African retail chain, Pick 'n Pay, had been guilty of 'passing off' its range of expensive foodstuffs as those of a rival retailer, Shoprite Checkers.

Despite the fact that the two retailers used totally different names for their ranges, the court ruled that Pick 'n Pay had passed off its products as those of Shoprite Checkers by copying the get-up (particularly the colour) of the Shoprite Checkers range.

2. Additional topics

Africa:

Master's Degree Intellectual Property 2024 (2023.11.1.)

https://www.linkedin.com/posts/african-regional-intellectual-property-organization_do-you-have-a-passion-for-intellectual-property-activity-7125424489156255744-Z_Pr/?utm_source=share&utm_medium=member_ios

Remarks by Deputy Secretary of Commerce Don Graves at the Africa Growth and Opportunity Forum (AGO) Private Sector Forum (2023.11.2)

<https://www.commerce.gov/news/speeches/2023/11/remarks-deputy-secretary-commerce-don-graves-africa-growth-and-opportunity>

Experts emphasize urgent need for intellectual property rights to boost medicine security (2023.11.8)

<https://www.techinafrica.com/experts-emphasize-urgent-need-for-intellectual-property-rights-to-boost-medicine-security-in-africa/>

The impact of Intellectual Property rights on African consumers (2023.11.21)

<https://www.liberianobserver.com/impact-intellectual-property-rights-african-consumers>

Trademarks in Africa: bringing clarity to a complicated picture (2023.10.10)

<https://www.managingip.com/article/2cavx95ajabroynbkka2o/expert-analysis/local-insights/trademarks-in-africa-bringing-clarity-to-a-complicated-picture>

ARIPO:

Botswana to host important ARIPO meetings (2023.11.9)

<https://www.aripo.org/public/news/Botswana+to+Host+2023+ARIPO+Governing+Bodies+Sessions-1699601773>

OAPI alongside its colleague ARIPO (2023.11)

https://www.linkedin.com/posts/oapi-linkedin_%3F%3F%3F%3F%3F-%3F%3F%3F-%3F%3F%3F%3F%3F-%3F%3F-%3F%3F-activity-7132433109085487104-itbl/?utm_source=share&utm_medium=member_ios

Chairmanship of ARIPO (2023.11.)

https://www.linkedin.com/posts/african-regional-intellectual-property-organization_botswana-ip-activity-7133034780958334976-clMG/?utm_source=share&utm_medium=member_ios

Cape Verde:

¹³ <https://www.saflii.org/za/cases/ZAWCHC/2023/285.pdf> (2023.11.17)

Clever IP schemes to help grow the economy (2023.11.24)

<https://www.worldipreview.com/contributed-article/cape-verde-clever-ip-schemes-to-help-grow-the-economy>

Lesotho:

Lesotho Academy of Science and Technology (LAST), Academy of Science of South Africa (ASSAf), Botswana Academy of Science (BAS) Pioneer Intellectual Property (IP) Management Programme for African Researchers (2023.11.2)

<https://www.africa-newsroom.com/press/lesotho-academy-of-science-and-technology-last-academy-of-science-of-south-africa-assaf-botswana-academy-of-science-bas-pioneer-intellectual-property-ip-management-programme-for-african-researchers?lang=en>

Morocco:

Regional training on IP rights (2023.10.27)

<http://www.ompic.ma/fr/actualites/lompic-organise-une-formation-sur-la-propriete-industrielle-et-commerciale-au-profit-du>

Launch of the 7th edition of the CAPI 2023/2024 Industrial Property Leader Certificate (2023.11.10)

<http://www.ompic.ma/fr/actualites/lancement-de-la-7eme-edition-du-certificat-danimateur-en-propriete-industrielle-capi>

Nigeria:

NCC Port Harcourt Office Sensitizes Booksellers against Piracy (2023.10.24)

<https://copyright.gov.ng/ncc-port-harcourt-office-sensitizes-booksellers-against-piracy/>

South Africa

AfrIPI boosts “Poutargue Imraguen” registration as a geographical indication (2023.11.17)

<https://afripi.org/en/news/afripi-boosts-poutargue-imraguen-registration-geographical-indication>

The How, Where and What of Trademark registration for SMMEs in South Africa debunking common misconceptions – part 1 (2023.10.30)

<https://www.cipc.co.za/?p=20133>

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