

**Africa Intellectual Property Newsletter Vol. 92**

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## **News**

### 1. Important topics

#### **Africa: Top 10 most innovative African economies in 2023<sup>1</sup>**

A World Intellectual Property Organisation (WIPO) report lists the ten most innovative economies in Africa as follows (global rankings appear in brackets):

*Mauritius (57), South Africa (59), Morocco (70), Tunisia (79), Botswana (85), Egypt (86), Cape Verde (91), Senegal (93), Namibia (96) and Ghana (99).*

#### **Africa: Manual for Geographical Indications in Africa<sup>2</sup>**

AfrIPI has publicised the fact that its 80-page Manual for Geographical Indications (GIs) in Africa is available on their website.

#### **Africa: #BizTrends2024: Shaping the future of IP law in 2024 and beyond<sup>3</sup>**

A South African IP lawyer discusses IP trends that are likely to reshape the future:

- Leveraging artificial intelligence (AI) in law practices.
- The growth of virtual platforms.
- The harmonisation of IP law and the consolidation of IP enforcement processes.
- Elevating IP in developing economies.
- The intersection of IP law with AI and machine-learning.
- The way in which the global focus on sustainability will reshape IP law.
- In an era where data is invaluable, the intersection of data rights and privacy.

#### **Africa: ECOWAS, WIPO unveil app to promote designs, strengthen creativity industry<sup>4</sup>**

<sup>1</sup> <https://www.theghanareport.com/top-10-most-innovative-african-economies-in-2023/#google> (2023.12.30)

<sup>2</sup> <https://afripi.org/en/publications> (2024.01)

<sup>3</sup> <https://www.bizcommunity.com/article/shaping-the-future-of-ip-law-in-2024-and-beyond-012075a> (2024.01.16)

<sup>4</sup> <https://realnewsmagazine.net/ecowas-wipo-unveil-app-to-promote-designs-strengthen-creativity-industry/> (2024.01.23)

The Economic Community of West African States (ECOWAS) announced the creation of the mobile app, AfricDeezayn. The app was launched in collaboration with the World Intellectual Property Organisation (WIPO), with support from the Japan Patent Office (JPO).

The app will create an online platform that will allow designers from Member States to showcase their creativity and talent and go on to obtain IP rights and thereby prevent unauthorized copying.

#### **Africa: Science fund for Africa urgent, says STISA review report<sup>5</sup>**

An article discusses the Science, Technology and Innovation Strategy for Africa 2024 (STISA-2024), and the call for the establishment of an African Science, Technology, and Innovation Fund (ASTIF) to ensure sustainable funding of the sector's initiatives.

The article calls for fast-tracking the operationalisation of the statute of the Pan African Intellectual Property Organization (PAIPO), and the establishment of platforms for Africa public-industry research and innovation collaborations.

#### **Africa: H3D: Africa's First Integrated Drug Discovery and Development Platform<sup>6</sup>**

Catherine Jewell of WIPO's Information and Digital Outreach Division makes these points about the importance of IP in the field of medicines:

- When there's an unmet medical need, innovation is required and IP incentivizes that innovation. IP underpins robust innovation ecosystems.
- Cash-strapped universities can use IP to generate new sources of income. IP is a magnet for investment - people want to invest in a country where there is respect for rules and laws, including IP.
- Africans should be owning IP. When you hold IP rights in a medicine, you can control its use, or find an appropriate partner to take the IP forward.

#### **Africa: UNCTAD - The Commonwealth webinar on harnessing intellectual property rights for innovation, development and economic transformation in LDCs<sup>7</sup>**

The Secretary General of the United Nations Conference of Trade and Development (UNCTAD), Rebecca Grynspan, addressed a webinar on harnessing intellectual property (IP) rights for innovation, development and economic transformation in least-developed countries (LDCs). She argued that IP rights can and should be an integral part of any LDC's structural transformation and developments strategies.

#### **Africa: Fuelling growth and innovation IP rights and SMEs in the ARIPO region<sup>8</sup>**

An AfrIPI posting makes these points about small and medium-sized businesses (SMEs) and IP rights :

- By securing IP rights (IPRs), SMEs protect their novel ideas and unique designs, encouraging further investment in research and development (R&D).
- IPRs not only prevent larger competitors from copying the innovations of SMEs, they also boost revenue.
- Robust IP enforcement is essential to deter potential infringers.
- To support SMEs, IP education and affordable support services are needed.

<sup>5</sup> <https://www.universityworldnews.com/post.php?story=2024012119562332> (2024.01.25)

<sup>6</sup> [https://www.wipo.int/wipo\\_magazine\\_digital/en/2024/article\\_0001.html](https://www.wipo.int/wipo_magazine_digital/en/2024/article_0001.html) (2024.01)

<sup>7</sup> <https://unctad.org/osgstatement/unctad-commonwealth-webinar-harnessing-intellectual-property-rights-innovation> (2024.01.29)

<sup>8</sup> <https://afripi.org/en/news/fueling-growth-and-innovation-ip-rights-and-smes-aripo-region> (2024.01.30)

## ARIPO: IP and economic development<sup>9</sup>

ARIPO Director General, Bemanya Twebaze, makes these points:

- Africa has considerable untapped potential, especially in technology, music, fashion, and film industries.
- IP rights are crucial to fostering innovation, attracting investment, and stimulating economic growth.
- Strengthening and mainstreaming IP rights to drive economic growth in Africa must be a priority.
- Promoting public awareness about the significance of IP rights is very important.

## Kenya: What Mickey Mouse copyright expiration term means<sup>10</sup>

Following the publicity generated by the expiration of the Mickey Mouse copyright in the USA, a Kenyan newspaper discussed the fact that, whereas Kenya and many other countries have a copyright term of 50 years from date of death of the author, more industrialised countries like the USA prefer longer terms of 70 years, and even 90 years.

## Kenya: Safeguarding public health: Anti-Counterfeit Authority and Pharmacy and Poisons Board unite forces against counterfeit and illicit medicines<sup>11</sup>

On 16 January 2024 the Anti-Counterfeit Authority (ACA) and the Pharmacy and Poisons Board (PPB) of Kenya signed a Memorandum of Understanding (MoU) which reflects a shared commitment of the two government agencies to combat trade in counterfeit and illicit medicines within Kenya.

## Liberia: How Embracing Intellectual Property Rights Can Unlock SME Growth in Liberia<sup>12</sup>

An article makes the following general points about IP in Liberia:

- Each small-to-medium sized enterprise (SME) entering the Liberian market potentially has a unique product or invention that could transform the country's economic landscape. Yet the limited utilization of IP rights amongst SMEs poses a significant barrier to this transformative potential.
- SMEs need both financing and IP - a EUIPO/EPO, survey shows that companies that own at least one IP right generate, on average, 20% higher revenues per employee than companies that do not own any IP rights.
- The Liberian registry, LIPO, needs to work with WIPO, ARIPO, EUIPO and AfrIPI to develop a special legal assistance initiative for SMEs.

## Morocco: Schedule of upcoming webinars<sup>13</sup>

The Moroccan registry, OMPIC, has announced on its website that it will be presenting the following seminars:

- Introduction to techniques for drafting patents for inventions, February 2024;
- Border measures: an effective anti-counterfeiting procedure, March 2024.

The exact dates have unfortunately not been supplied.

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<sup>9</sup> [https://www.linkedin.com/posts/bemanya-twebaze-922255192\\_intellectualproperty-ip4development-economicdevelopment-activity-7151084585852772353-rplo/?utm\\_source=share&utm\\_medium=member\\_ios](https://www.linkedin.com/posts/bemanya-twebaze-922255192_intellectualproperty-ip4development-economicdevelopment-activity-7151084585852772353-rplo/?utm_source=share&utm_medium=member_ios) (2024.01)

<sup>10</sup> <https://nation.africa/kenya/blogs-opinion/blogs/what-mickey-mouse-copyright-expiration-means--4489242> (2024.01.10)

<sup>11</sup> <https://www.aca.go.ke/media-center/news-and-events/471-safeguarding-public-health-anti-counterfeit-authority-and-pharmacy-and-poisons-board-unite-forces-against-counterfeit-and-illicit-medicines> (2024.01.16)

<sup>12</sup> <https://www.liberianobserver.com/how-embracing-intellectual-property-rights-can-unlock-sme-growth-liberia> (2024.01.30)

<sup>13</sup> <http://www.ompic.ma/fr/actualites/calendrier-des-webinaires-venir> (2024.01.22)

**Nigeria: Nigeria – IP case study – Combatting counterfeiting in e-commerce platforms<sup>14</sup>**

In a report AfrIPI discusses how a French company that manufactures electric tools, the Strong Muscles Company, successfully dealt with a counterfeiting problem in Africa by simply asking the online platform to de-list the counterfeit products.

In order to get this co-operation, the company simply signed a memorandum of understanding (MoU) with the online platform, in terms of which it provided the platform with the necessary information to identify counterfeit products, thus allowing the platform to delist them.

**OAPI: Master in Intellectual Property, new skills in the making<sup>15</sup>**

The 14th edition of the Master's program in Intellectual Property was launched on Friday 26 January 2024 at the OAPI headquarters in Yaoundé, Cameroon.

OAPI, WIPO and the University of Yaoundé welcomed the new batch of IP auditors at a ceremony that was attended by OAPI Director General, Denis BOHOUSOI, WIPO representative, Yves NGOUBEYOU, and Kei KAWAKAMI from the Japanese embassy in Cameroon.

The notification says that to date 41 auditors from 24 countries across Africa have been trained as IP auditors.

**South Africa: Trade marks: Global classifications of virtual goods and services - part 2<sup>16</sup>**

In a recent magazine article a South African IP lawyer looks at how virtual goods and services have been treated under UK and US guidelines, as well as the Nice Classification updates. The author suggests that the South African authorities are very likely to follow these foreign guidelines. The classes that feature are 9, 35, 36, 38, 41 and 42.

**South Africa: IP in South Africa, 2023 review<sup>17</sup>**

In a review of IP developments in South Africa in 2023, South African IP lawyers discuss:

- **Implementation of the Copyright Amendment Bill** – this is expected to lead to further discussions and adjustments to accommodate the evolving digital environment and strike a balance between creators' rights and user interests.
- **Pharmaceutical patent debates** - the debate surrounding pharmaceutical patents and access to medicines is likely to continue in 2024.
- **Emerging technologies** - the convergence of IP and emerging technologies like blockchain, 3D printing and biotechnology will demand continuous attention from lawmakers and IP practitioners.
- **Global IP trends** - South Africa will continue to align with international IP treaties and agreements, ensuring its place in the global IP ecosystem.
- **Dilution of trade marks** - a crucial development in South Africa was the 2023 decision by the Supreme Court of Appeal (SCA) in the case of *National Brands, Limited v Cape Cookies CC*, which brought clarity to the trade mark anti-dilution provisions, with the court ruling that the provisions are not limited to enquiries related to non-similar goods or services, and can be relied on in matters involving marks used in relation to the same or similar goods or services.
- **Disabilities** - In the case of *Blind SA v Minister of Trade, Industry and Competition*, the Constitutional Court delivered a landmark judgment regarding the rights of persons with visual and print disabilities.

<sup>14</sup> [https://intellectual-property-helpdesk.ec.europa.eu/system/files/2023-12/Nigeria\\_IP-Case-Study\\_Combatting-counterfeiting-in-e-commerce-platforms.pdf](https://intellectual-property-helpdesk.ec.europa.eu/system/files/2023-12/Nigeria_IP-Case-Study_Combatting-counterfeiting-in-e-commerce-platforms.pdf) (2024)

<sup>15</sup> <http://oapi.int/index.php/fr/component/k2/item/843-master-en-propri%C3%A9t%C3%A9-intellectuelle,-de-nouvelles-comp%C3%A9tences-en-gestation> (2023.01.26)

<sup>16</sup> <https://www.bizcommunity.com/Article/196/825/244892.html> (2024.12.29)

<sup>17</sup> <https://www.lexology.com/commentary/intellectual-property/south-africa/spoor-fisher/ip-in-south-africa-2023-review> (2024.01.08)

- **GIs**- the recent Karoo Lamb geographical indication (GI) registration is a victory for the Karoo area and South Africa's agricultural legacy.
- **NFTs** – the distinctive challenges and opportunities presented by NFTs in the way IP rights are perceived and managed, particularly with regard to trade marks and copyright.

### South Africa: IP in the BRICS nations<sup>18</sup>

A seminar entitled *IP in the BRICS Nations* will take place at the Munich Marriott Hotel in Munich, Germany on 4-5 April 2024 - the seminar will be presented in association with the BRICS IP Forum (BIPF). This event will bring together leading professionals and experts from the BRICS nations - Brazil, Russia, India, China, and South Africa.

### South Africa: Navigating NFT ownership and IP rights<sup>19</sup>

In an article about non-fungible tokens (NFTs) a South African lawyer makes the following points:

- There is an intricate relationship between NFT ownership and IP rights;
- NFTs serve as unique digital identifiers, stored on a blockchain ledger. Although these digital identifiers are linked to digital items, they generally do not signify direct ownership;
- South African artists are increasingly adopting NFTs to tokenize their digital art;
- The complexities of NFT ownership require stakeholders to meticulously craft the terms of sale and licensing agreements in their smart contracts. This is crucial not only for safeguarding IP rights, but also for ensuring compliance with the fluid legal parameters that govern NFTs.

### Tanzania: Tanzania Earns Global Recognition in Intellectual Property Matters<sup>20</sup>

A news article says that, following collaboration with WIPO, Tanzanian courts have prepared guidelines for judges and magistrates on copyright, trademarks, patents and industrial designs. There is also mention of IP-related distance learning programs that are accessed by Tanzanian judges and magistrates.

## 2. Additional topics

### Africa:

The impact of intellectual property rights on African consumers

<https://afripi.org/en/news/impact-intellectual-property-rights-african-consumers> (2024.01.15)

Fertile ground

<https://www.chinadaily.com.cn/a/202401/16/WS65a5c218a3105f21a507c6c1.html> (2024.01.16)

Science fund for Africa urgent, says STISA review report

<https://www.universityworldnews.com/post.php?story=2024012119562332>

Technology transfer in action in Southern Africa

<https://www.wipo.int/technology-transfer/en/stories/tech-transfer-southern-africa.html> (2024.01.25)

<sup>18</sup> [https://www.linkedin.com/posts/katielovekerr\\_intellectualproperty-brics-trademark-activity-7152684798132572162-ggmW/?utm\\_source=share&utm\\_medium=member\\_ios](https://www.linkedin.com/posts/katielovekerr_intellectualproperty-brics-trademark-activity-7152684798132572162-ggmW/?utm_source=share&utm_medium=member_ios) (2024)

<sup>19</sup> <https://www.lexology.com/library/detail.aspx?g=9fb6a14b-364b-4579-8b47-93a3b4c9251b> (2024.01.19)

<sup>20</sup> <https://allafrica.com/stories/202312290046.html> (2023.12.29)

**Liberia:**

Copyright Society of Liberia recognises business centres on IP compliance

[https://frontpageafricaonline.com/news/copyright-society-of-liberia-recognizes-business-centers-on-ip-compliance/#google\\_vignette](https://frontpageafricaonline.com/news/copyright-society-of-liberia-recognizes-business-centers-on-ip-compliance/#google_vignette) (2024.01.22)

**South Africa:**

Unauthorised use of CIPC name, abbreviation and logo (Previous notice 48 of 2019)

<https://www.cipc.co.za/?p=20451> (2024.01.31)

**Zambia:**

Zambia Police vows to arrest fake KoPa producers/distributors

<https://newsinvasion24.com/zambia-police-vows-to-arrest-fake-kopa-producers-distributors/>  
(2024.01.10)

**Zimbabwe:**

It is essential to respect and protect intellectual property rights

<https://www.chronicle.co.zw/comment-it-is-essential-to-respect-and-protect-intellectual-property-rights/> (2024.01.17)

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