

Africa Intellectual Property Newsletter Vol. 101

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News

1. Important topics

Libya: Update on Renewal of Trademark Regulations and Procedures¹

There have been significant updates concerning trademark renewals in Libya. The Ministry of Economy has issued a New Decree (No. 586 of 2024), introducing additional requirements for trademark renewals. Applicants are now required to submit a financial statement recognizing the trademark as an intangible asset, including its valuation at the time of renewal. The renewal fee has been set at USD 2,000 (approximately JPY 315,517) per year. The decree does not however specify whether the renewal fees should be calculated by combining the amounts outlined in this new decree with those stipulated in the earlier Decree No. 26 of 2024.

Malawi: Malawi First to Ratify WIPO Treaty on IP, Genetic Resources and Associated Traditional Knowledge²

Malawi has become the first country to ratify the WIPO Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge. In general, when a claimed invention in a patent application is derived from genetic resources, each contracting party must require applicants to disclose the country of origin or source of the genetic resources. Similarly, if the claimed invention is based on traditional knowledge associated with genetic resources, applicants must disclose the Indigenous People or local community that provided the traditional knowledge, as applicable. The treaty³, adopted on May 24, 2024, requires 15 ratifications or accessions to take effect. While 38 WIPO member states have signed the treaty, signing only indicates intent and is not legally binding. Ratification involves a formal process, including depositing an instrument of ratification with WIPO and, if necessary, enacting relevant legislation. Malawi has led this process by depositing its instrument of ratification, setting an example for other nations to follow.

¹ <https://oneworldip.com/2024/12/15/libya-update-on-renewal-of-trademark-regulations-and-procedures/>

² https://www.wipo.int/pressroom/en/articles/2024/article_0019.html

³ <https://www.wipo.int/wipolex/en/text/593055>

Mauritius: Mauritius joins TMClass⁴

Effective 16 December 2024, the Industrial Property Office of Mauritius (IPOM) adopted the terms from the harmonized database of goods and services (HDB) featured in the European Union Intellectual Property Office's (EUIPO) TMclass search and classification tool. With IPOM's decision to utilize the HDB, there are now 35 IP offices outside the EU that recognize and accept terms from this database. This integration brings the total number of participating national and regional IP offices in TMclass to 95. TMclass allows users to search and translate goods and services across 44 available languages while confirming the correct classification under the Nice classification system. For more information, visit EUIPO⁵.

OAPI: Changes to the OAPI system governing Patents and Utility Models⁶

OAPI has announced updates to the Bangui Agreement concerning patents and utility models (Annexes I and II). Key changes include:

- **Substantive Examination:** Patent and utility model applications will undergo automatic substantive examination. Examiners will likely rely on PCT International Search Reports and International Preliminary Examination Reports for regional phase applications.
- **Divisional Applications:** Voluntary divisional applications can now be filed up to the grant notification and in response to substantive examination office actions.
- **Opposition Proceedings:** Applications will be published for opposition purposes by interested parties within three months of publication.
- **Pharmaceutical Exclusion:** Least developed countries (LDCs) in OAPI will not need to apply patent provisions for pharmaceutical products until 1 January 2033, in line with WTO TRIPS extensions.
- **Official Fees:** New official fees for patents and utility models will be introduced, though details are yet to be published.

The changes apply only to applications filed on or after 1 January 2025 and applications filed before this date will be processed under the current provisions. These updates aim to modernize OAPI's IP framework while maintaining alignment with international standards.

OAPI: Nicephore Fylla Saint-Eudes, new PCA of OAPI⁷

At the 64th Ordinary Session of the OAPI Board of Directors, Nicephore Fylla Saint-Eudes from the Republic of Congo succeeded Patrick Thierry Akoloza from the Central African Republic as Chairman of the Board. Saint-Eudes praised his predecessor's reforms and highlighted OAPI's strong performance and positive momentum. His priorities include promoting the role of intellectual property in achieving development goals and pursuing OAPI's territorial expansion, particularly through the potential integration of the Democratic

⁴ <https://afripi.org/en/news/mauritius-joins-tmclass>

⁵ <https://euipo.europa.eu/ec2/>

⁶ <https://www.lexology.com/library/detail.aspx?g=3b168666-0cae-4306-9412-6ed326dce7db>

⁷ <http://oapi.int/index.php/fr/component/k2/item/925-nicephore-fylla-saint-eudes,-nouveau-pca-de-l%E2%80%99oapi>

Republic of Congo. His tenure will focus on advancing these projects during Congo's presidency of the Board.

Uganda: Uganda signs WIPO Treaty on Genetic Resources & Associated Traditional Knowledge^{8,9,10}

On 4 December 2024, Uganda signed the WIPO Treaty on Genetic Resources & Associated Traditional Knowledge becoming the 37th WIPO member states to have signed the treaty. Existing IP laws in Uganda do not address the unique aspects of traditional knowledge governance and protection; and do not sufficiently protect these. The treaty will transform traditional knowledge governance and strengthen national IP system to align with global standards. The treaty will come into effect after ratification or accession by 15 of WIPO member states who have signed the treaty.

South Africa: Exciting reforms ahead for South African Patent and Design Law¹¹

South Africa is set to reform its patent system by replacing the Patents Act No. 57 of 1978 with a new, modernized law. The proposed changes, expected to have been introduced as a Bill in late 2024, aim to align South Africa's patent framework with international standards. Key reforms include:

- **Substantive Examination:** A shift from the current depository system to substantive search and examination for patent applications.
- **Incorporation of TRIPS Flexibilities:** The new law will integrate provisions from WTO's TRIPS Agreement to improve public health outcomes. It aims to prevent unwarranted monopolies and promote equitable access to essential medicines.
- **Introduction of Utility Model Patents:** A new system for protecting incremental innovations, ideal for small businesses and individual inventors in a more accessible and cost-effective manner.

The changes promise to enhance South Africa's innovation landscape by strengthening patent credibility, supporting local inventors, and driving investment and economic growth.

South Africa: Constitutional Court interim relief to the blind and visually impaired in copyright matter¹²

The South African Constitutional Court has issued an interim order temporarily amending the Copyright Act of 1978 to include an exception for persons with visual impairments. This decision follows an urgent application by Blind SA, represented by Section27, after President Cyril Ramaphosa missed a court-ordered deadline to sign the Copyright Amendment Bill (CAB) by 21 September 2024. The order allows accessible formats for the visually impaired and addresses barriers to South Africa's ratification of the Marrakesh Treaty. Hearings on the CAB are scheduled for February 2025, with the interim order ensuring legal clarity

⁸ <https://softpower.ug/uganda-signs-wipo-treaty-on-genetic-resources-associated-traditional-knowledge/>

⁹ <https://nilepost.co.ug/news/231968/mao-signs-copyright-treaty-to-protect-genetic-resources-traditional-knowledge>

¹⁰ <https://www.independent.co.ug/mao-signs-wipo-treaty-on-intellectual-property-genetic-resources-and-tradition/>

¹¹ <https://www.kisch-ip.com/2024/11/exciting-reforms-ahead-for-south-african-patent-and-design-law/>

¹² <https://www.iol.co.za/the-star/news/constitutional-court-interim-relief-to-the-blind-and-visually-impaired-in-copyright-matter-c231d83d-0041-46c4-a222-1fb8bf07765b>

and protecting rights until a final decision. The interim order ensures legal clarity and safeguards the rights of the visually impaired until a final decision is made.

2. Additional topics

Africa:

2024 Africa IP Summit Positions IP Rights as Catalyst for SDGs in Africa

<https://eu-africa-chamber.org/2024-africa-intellectual-property-ip-summit-positions-intellectual-property-ip-rights-as-catalyst-for-sustainable-development-goals-sdgs-in-africa/> (03.12.2024)

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New version of IPC (2025.01)

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National Court for Authorities and Neighboring Rights (ONDA) launches digital "E-Vignette" service

<https://www.facebook.com/share/p/19esYpqLJ4/> (10.12.2024)

Working meeting between Onda and Condor complex

<https://www.facebook.com/share/p/19k8qE2aR1/> (11.12.2024)

Cape Verde:

10th anniversary of the Institute of Quality Management and Intellectual Property (IGQPI)

<https://www.facebook.com/share/p/15TPTKccXh/>; <https://www.facebook.com/share/p/1BEcPK4QZu/>;
<https://www.facebook.com/share/p/15LWZpLpvV/> (06.12.2024)

Ethiopia:

Ethiopian products to shine globally through GI

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New IP Guide: Food and intellectual Property in Morocco

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(09.12.2024)

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Nigerian Tax Bill 2024 At a Glance - Highlights and Key Provisions

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NAFDAC Destroys Over N120bn Worth of Fake Products in 6 Months

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OAPI takes stock of its year 2024

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64th ordinary session of the OAPI Board of Directors

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<https://www.facebook.com/share/v/1BHJZPWWcK/> (05.12.2024)

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https://www.linkedin.com/posts/oapi-linkedin_oapi-bangui-oapi-activity-7273956321232654338-teY7?utm_source=share&utm_medium=member_desktop (15.12.2024)

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OAPI celebrates historic victory: Riyadh Treaty on Designs adopted

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Auditors at the school of Geographical Indications

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Geographical indication opens new perspectives for Ivorian local products

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4 new Ivorian products are about to join the prestigious Geographical Indications club

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Uganda:

High Court of Uganda delivers landmark judgment on copyright dispute: Knight Frank Uganda Ltd v Broll Uganda Ltd and Broll Valuation & Advisory Services

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