

**Africa Intellectual Property Newsletter Vol. 88**

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**News**

**1. Important topics**

**Ghana: US-Ghana business expo holds panel discussion on intellectual property rights<sup>1</sup>**

The US/Ghana Business Expo took place in Accra, Ghana on 10-11 August 2023 under the title *Leveraging U.S. – Ghana Trade Relation for Growth and Prosperity*.

A panel on Intellectual Property Rights made the following points:

- Ghana has not paid sufficient attention to IP issues.
- Highly creative individuals, particularly in Ghana, often lack interest in the business aspects of their work due to limited literacy.
- This lack of interest is compounded by the fact that most lawyers do not always fully understand IP issues.
- Although the IP laws in Ghana are adequate, parliament needs to expedite the passage of *'relevant policies'* relating to IP rights to boost investor confidence in the creative industry.
- Research has shown that in any economy the main determinant of growth or ecosystem development is the number of patents being filed. In 2019, Africa accounted for only 0.5% of the world's patent applications, compared to 66.8% in Asia, 19% in North America and 10.9% in Europe.
- The utilization of IP in Ghana and Africa is low partly because of weak and outdated ICT systems.

**Kenya: Public notice on the commencement of the collection of blank tape levy<sup>2</sup>**

The Kenya Copyright Board (KECOBO) announced the implementation of a Blank Tape Levy with effect from 15 September 2023 – this is in accordance with Sections 28(3)(6) and 30(6) of the Copyright Act, and the second schedule part B of the Copyright Regulations 2020.

The announcement says that the levy will be *'collected on items that may be used to carry copyright-protected content for private copying payable at the point of entry into Kenya or at the point of first manufacture locally.'*

**Kenya: Kenya's freight and forwarding association to strengthen partnerships with ACA towards promotion of international trade<sup>3</sup>**

Kenya International Freight and Warehousing Association KIFWA<sup>4</sup> has agreed to strengthen collaboration with the Kenyan government to combat international trade in counterfeit products – this followed a meeting between the Anti-Counterfeit Authority (ACA) Executive Director, Dr. Robi Mbugua Njoroje, and KIFWA's National Chairman, Mr. Roy Mwanthi in Mombasa.

<sup>1</sup> <https://ameyawdebrah.com/ipr-panel-at-us-ghana-business-expo/> (2023.9.1)

<sup>2</sup> <https://copyright.go.ke/index.php/media-center/news-updates/public-notice-commencement-collection-blank-tape-levy> (2023.9.11)

<sup>3</sup> <https://www.aca.go.ke/media-center/news-and-events/448-kenyas-freight-and-forwarding-association-to-strengthen-partnerships-with-aca-towards-promotion-of-legitimate-international-trade> (2023.8.28.)

<sup>4</sup> <https://www.kifwa.co.ke/>

According to an ACA website posting, most of Kenya's international trade is moved by sea (via Mombasa port) and air, which means that regulation and collaboration are needed to ensure integrity by the shippers and logistics providers. The posting goes on to say that KIFWA is ready to collaborate with government agencies to comply with the law and promote legitimate trade.

### **Morocco: Holding of the 26th Joint Commission between the Moroccan Office of Industrial and Commercial Property (OMPIC) and the National Institute of Industrial Property of France (INPI)<sup>5</sup>**

The Moroccan and French registries, OMPIC and INPI-France, held their 26th Joint Commission on 5 September 2023 in Casablanca, Morocco. The meeting was chaired by Mr. Abdelaziz Babqiqi, the Director-General of OMPIC, and Mr. Pascal Faure, the Director General of INPI. The focus of the meeting was technical cooperation projects between the two offices.

The parties agreed to launch a Patent Prosecution Highway (PPH) pilot program with effect from 1 November 2023. The PPH is a collaborative program between patent offices, which seeks to accelerate the processing of the grant of patent applications. The PPH is based on the sharing of examination results, with a view to reducing processing times for patent applications, whilst improving the quality of granted patents.

Morocco has already entered PPH programs with Spain, Japan, and USA.

### **Mozambique: AfCFTA – Mozambique is the 47th African nation to ratify treaty<sup>6</sup>**

Mozambique has become the 47th African nation to ratify the AfCFTA agreement, meaning that more than two thirds of the African Union states are now members.

The African Continental Free Trade Agreement (AfCFTA) is an ambitious pan-African agreement that aims to progressively eliminate tariffs and non-tariff barriers to trade in goods, liberalize trade in services, and cooperate on investment, intellectual property rights and competition policy.

### **OAPI: Strategies for exploiting brands in a digital environment <sup>7</sup>**

An OAPI brands awards ceremony took place on 14 September 2023. An important aspect of this event was a debate that was organized by OAPI and the International Trademark Association (INTA). This debate considered strategies for exploiting brands in a digital environment that is in constant evolution. Amongst the matters discussed:

- The opportunities offered by digital technology for developing and promoting brands;
- The importance of the brand in developing the company's products or services in a market;
- The tools that OAPI and WIPO have to support SMEs wishing to develop through intellectual property;
- The challenges of trademark protection in the context of e-commerce in Africa.

### **Rwanda: Rwanda accedes to the Budapest Treaty<sup>8</sup>**

On 4 September 2023, Rwanda deposited its instrument of accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure – Budapest Notification No. 360.

<sup>5</sup> <http://www.ompic.ma/fr/actualites/tenue-de-la-26eme-commission-mixte-entre-loffice-marocain-de-la-propriete-industrielle-et> (2023.9.7)

<sup>6</sup> <https://www.linkedin.com/pulse/excitement-mozambique-becomes-47th-african-country-ratify-edebor/> (2023.9.)

<sup>7</sup> [https://www.linkedin.com/posts/oapi-linked-in-la-grande-c%C3%A9bration-des-awards-de-la-marque-activity-710951043552272384-cKzl/?utm\\_source=share&utm\\_medium=member\\_ios](https://www.linkedin.com/posts/oapi-linked-in-la-grande-c%C3%A9bration-des-awards-de-la-marque-activity-710951043552272384-cKzl/?utm_source=share&utm_medium=member_ios) (2023.9.)

<sup>8</sup> [https://www.wipo.int/treaties/en/notifications/budapest/treaty\\_budapest\\_360.html](https://www.wipo.int/treaties/en/notifications/budapest/treaty_budapest_360.html) (2023.9.4)

The Budapest Treaty will enter into force in Rwanda on 4 December 2023. The treaty eliminates the need to deposit microorganisms in each country where patent protection is sought.

### **South Africa: South African on the CIOPORA board<sup>9</sup>**

A news article dealing with plant breeders' rights reported that a South African, Dr Viresh Ramburan, was appointed to the CIOPORA Board, making him the first person from Africa to join this institution in this capacity. CIOPORA<sup>10</sup> is the International Community of Breeders of Asexually Reproduced Horticultural Plants.

CIOPORA is a non-profit breeder association that was founded to promote plant innovation and protect the breeders' work, and it has 152 members from five continents. According to Ramburan, CIOPORA *'represents and protects the interests of ornamental and fruit breeders by lobbying for a legal, regulatory and business environment that recognises breeders' rights encourages plant innovations.'*

### **2. Additional Topics:**

#### **Africa:**

WIPO Young Experts Program 2024 For Young Leaders In Intellectual Property (2023.9.12)

<https://www.afterschoolafrica.com/76760/wipo-young-experts-program-2024-for-young-leaders-in-intellectual-property/>

#### **ARIPO:**

Nkrumah University of Science and Technology (KNUST), in collaboration with the African Regional Intellectual Property Organization (ARIPO) and the Intellectual Property Office of Ghana offers Master's degree in intellectual property. (2023.9.5)

<https://www.aripo.org/notice/Admission+of+Candidates+to+the+MPHIL+in+Intellectual+Property+%28MIP%29+2024-1694093632>

Technical support for the development of the legal framework for GIs in the ARIPO member states (2023.9.21)

<https://afripi.org/events/technical-support-development-legal-framework-gis-aripo-member-states>

Statement of the ARIPO DG at the Copyright and Management Day Celebration (2023.9.14)

<https://www.aripo.org/public/news/Statement+of+the+ARIPO+DG+at+the+Copyright+&+Collective+Management+Day+Celebrations1694700615#>

#### **Morocco:**

Piracy: Experts advocate security for intellectual property rights (2023.9.1)

<https://tribuneonline.ng.com/piracy-experts-advocate-security-for-intellectual-property-rights/>

#### **Nigeria:**

New Nigerian Intellectual Property Law textbooks (2023.9.)

<https://lnkd.in/d8ZCr7RD>

First Annual Copyright Colloquium on the 2022 Copyright Act for IP Teachers and Researchers at the Faculty of Law Baze University Abuja (2023.9.7)

<https://www.facebook.com/copyright.gov.ng>

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<sup>9</sup> <https://farmersreviewafrica.com/south-african-on-the-ciopora-board/> (2023.9.8)

<sup>10</sup> <https://www.ciopora.org>

**OAPI:**

4 brands stand out in Lomé (2023.9.15)

<http://www.oapi.int/index.php/fr/component/k2/item/816-4-marques-se-d%C3%A9marquent-%C3%A0-lom%C3%A9>

**South Africa:**

Trademark war: ANC blindsided as MK registered as political party to contest 2024 poll (2023.9.19)

<https://www.news24.com/news24/politics/political-parties/trademark-war-anc-blindsided-as-mk-registered-as-political-party-to-contst-2024-poll-20230919>

**Togo:**

Intellectual property crucial for business Minister of Trade says (2023.9.14)

<https://www.togofirst.com/en/economic-governance/1409-12536-togo-intellectual-property-crucial-for-businesses-minister-of-trade-says>

**Zimbabwe:**

IP rights crucial for artists development (2023.9.11)

<https://www.newsday.co.zw/life-amp-style/article/200016499/ip-rights-crucial-for-artists-development-nacz>

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