

# INTER-REGIONAL FORUM ON DEVELOPMENT AND SERVICE-ORIENTED INTELLECTUAL PROPERTY (IP) ADMINISTRATION

Organized by  
The World Intellectual Property Organization (WIPO)  
Geneva, July 1 and 2, 2008

**THEME X:** “Regional and International Cooperation Among IP  
Administration: Global Vision Combined with Regional or  
National Outlook”

By G H Sibanda  
DIRECTOR GENERAL

# PRESENTATION OUTLINE

- PART I: Background Information on ARIPO
- PART II: Provisions in the Lusaka Agreement on International Cooperation among IP Administrations
- PART III: ARIPO Protocols on International Cooperation Among IP Administrations
- PART IV: Ministerial Decisions on International Cooperation Among IP Administrations
- PART V: Tools for the Implementation of ARIPO Activities in Support of Cooperation Among IP Administrations
- PART VI: Global Vision: International, Regional and National Perspectives
- PART VII: Conclusion

# BACKGROUND OF ARIPO

## ■ Purpose

- Pooling resources together for coordination of IP Policies, development and harmonization of IP Laws in the African sub-region.

## ■ IP Infrastructure

### Legal

-Non homogeneous, [Dependant laws, outdated laws, non existence, dual systems.

### Institutional

- poor IP infrastructures, poor knowledge of IP, few inventions, lack of IP expertise etc.

# ESTABLISHMENT

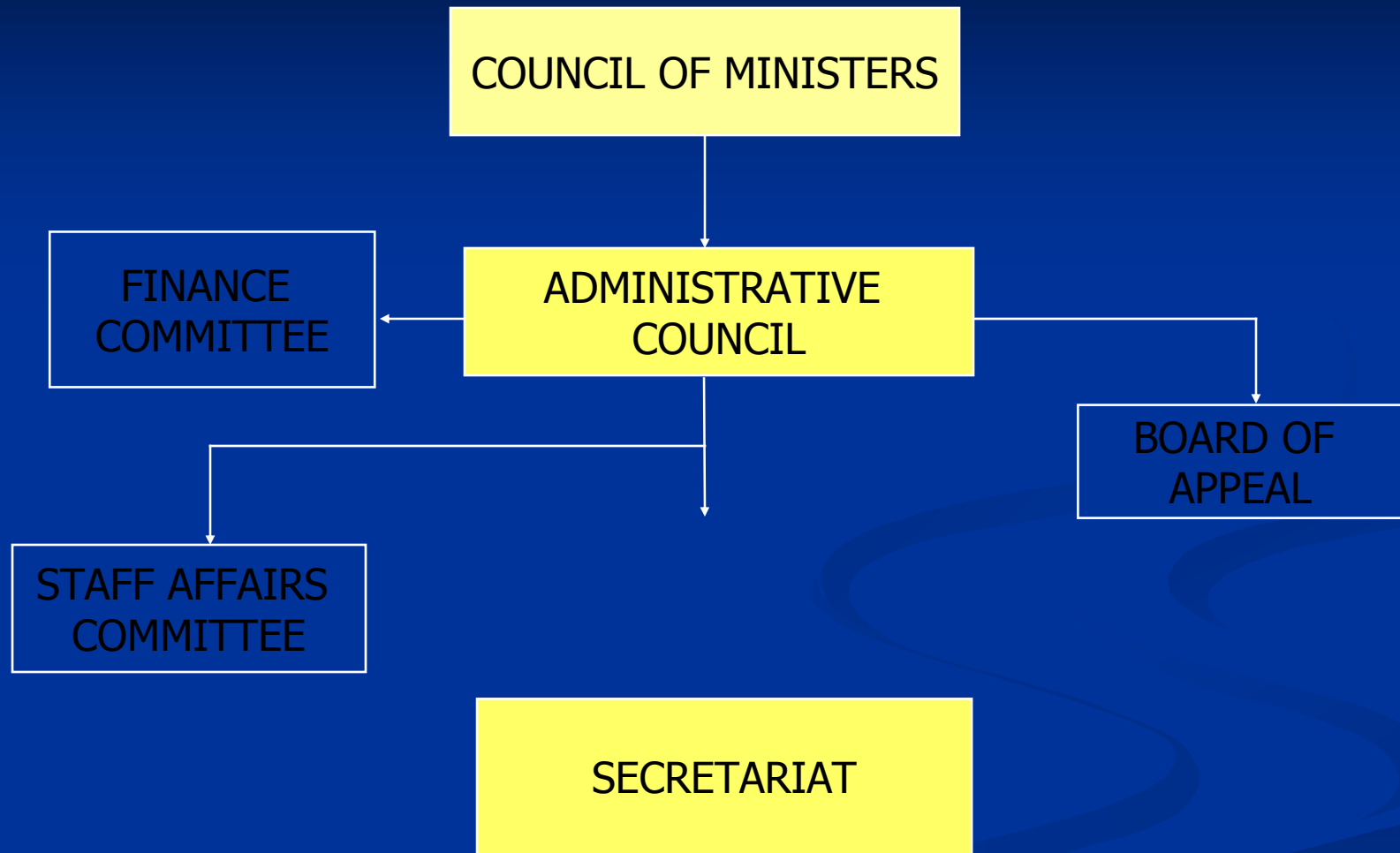
- Created by Diplomatic Conference [Lusaka, Zambia 1976]
- Initially restricted to English-speaking African Countries [ESARIPO]  
[Contradictory to the African Union Charter]  
[name changed from ESARIPO to ARIPO]  
[Restricted to promotion, harmonization and development of IP]
- Substantive Activities – Harare Protocol  
[titles protected patents and Industrial designs] Harare Protocol  
[utility models included later]
- Patent Information and Documentation Unit (PIDU)
- 1993 trademarks included [Banjul Protocol]
- 2002 copyright and related rights included
- In addition Traditional Knowledge Genetic Resources and Folklore were included
- Name changes from ARIPO to ARIPO  
[by change of the word Industrial to Intellectual]

# LUSAKA AGREEMENT

- ❑ Treaty creating the Organization referred to as **Lusaka Agreement**.
- ❑ Provisions dealing with Cooperation among IP Administrations:
  - Article II Organs
  - Article III Objectives
  - Article IV Membership
  - Article V Special relationship
  - Article VI Cooperating states and organizations

# ORGANS (Article II)

[Governance]



# OBJECTIVES (Article III)

[Enshrined in the Lusaka Agreement for purposes of supporting its member states]

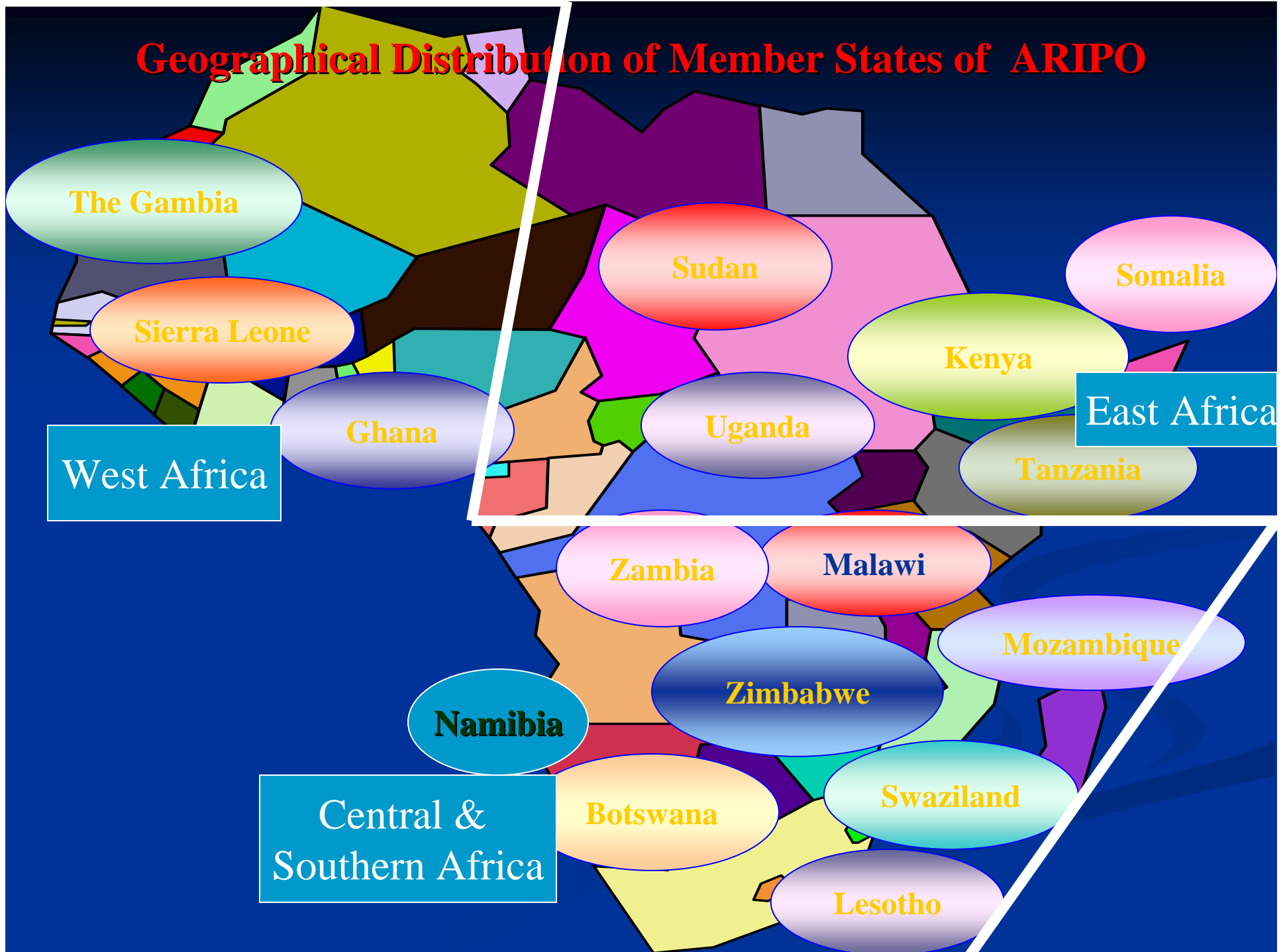
- Promotion, harmonization and development of IP
- Establish synergies between its members in the field of IP
- Establish common services and organs for IP coordination, development and harmonization
- Establish IP training schemes
- Organize conferences, seminars and meetings on IP
- Promote exchange of ideas and research on IP
- Promote a common view and approach in dealing with IP matters
- Support members in acquisition of IP based technologies
- Development of Copyright systems for the economic benefit of its member states

# MEMBERSHIP (Article IV)

[inclusive and provides legibility for all African States regardless of language spoken, geographical location or political or economic affiliation]

- Membership open to UNECA and AU
- Current Members
  - - Botswana, The Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe
- Observer States include
  - - Angola, Burundi, Egypt, Eritrea, Ethiopia, Liberia, Mauritius, Nigeria, Rwanda, Seychelles and South Africa

# Geographical Distribution of Member States of ARIPO



# SPECIAL RELATIONSHIP (Article V)

[Conscious of its limitations in experts, know how, financial, partnership strongly advocated with specialized institutions on IP, economic block and political institutes i.e. AU]

- Close and continuous relationship with
  - United Nations Economic Commission for Africa (UNECA);
    - UNECA sponsored institution
    - UNECA activities towards implementation of millennium goals (IP related)
  - African Union (AU) and PAIPO initiatives
    - Protection of traditional knowledge, genetic resources and expressions of folklore
    - Protection of plant varieties
    - TRIPS Flexibilities and the DOHA Declaration on Health and Access to Medicine
  - World Intellectual Property Organization (WIPO).
    - WIPO Assemblies
    - WIPO standing committees i.e. the IGC, PCT Union, Standing Committee on trade marks, industrial designs
    - WIPO's development agenda etc.

# COOPERATING STATES AND ORGANIZATIONS (Article VI)

[Working relationship with non member states and Organizations desirous to support ARIPO also strongly advocated]

**Organizations:** EPO, EURASIA, OHIM, COMESA, ARSO etc

**States:** UK PTO, US PTO, INPI France, IMPI – Mexico, INPI Portugal, INPI Brazil, SIPO, JPO etc

## **Contents of Agreements:**

- Technical cooperation
- Exchange of information and documentation
- Support in search and examination activities
- Support in training
- Support in institutional building
- Exchange of experts
- Participation in each other's major activities

# HARARE PROTOCOL

[patents, industrial designs and utility models]

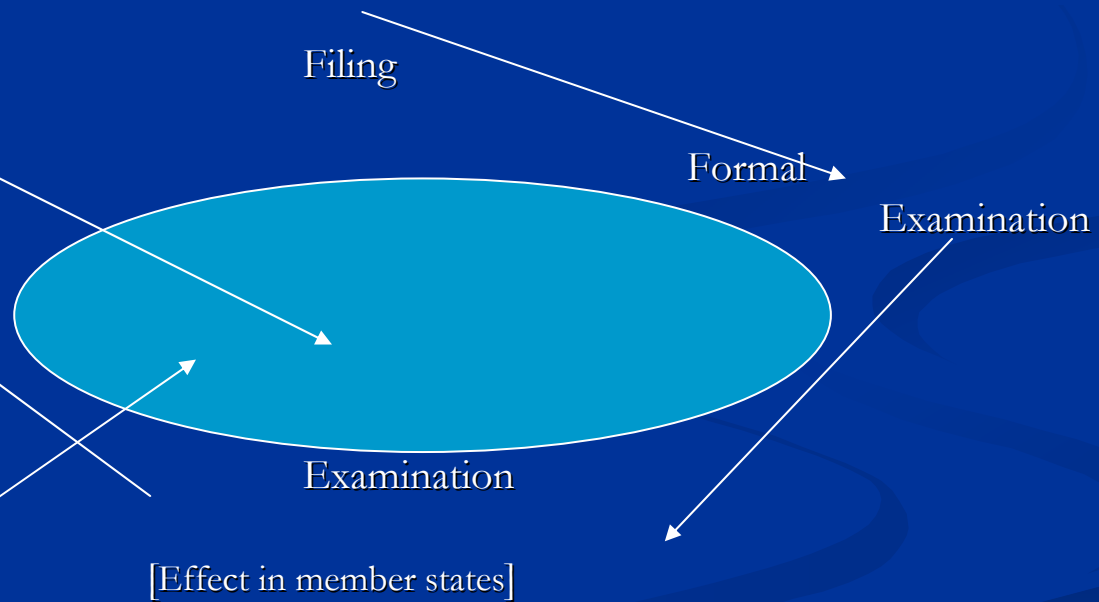
Modification, appeals, notification,  
Renewals, assignments, licences  
Abandonment, re-instatements etc

Grant and  
Registration

National laws

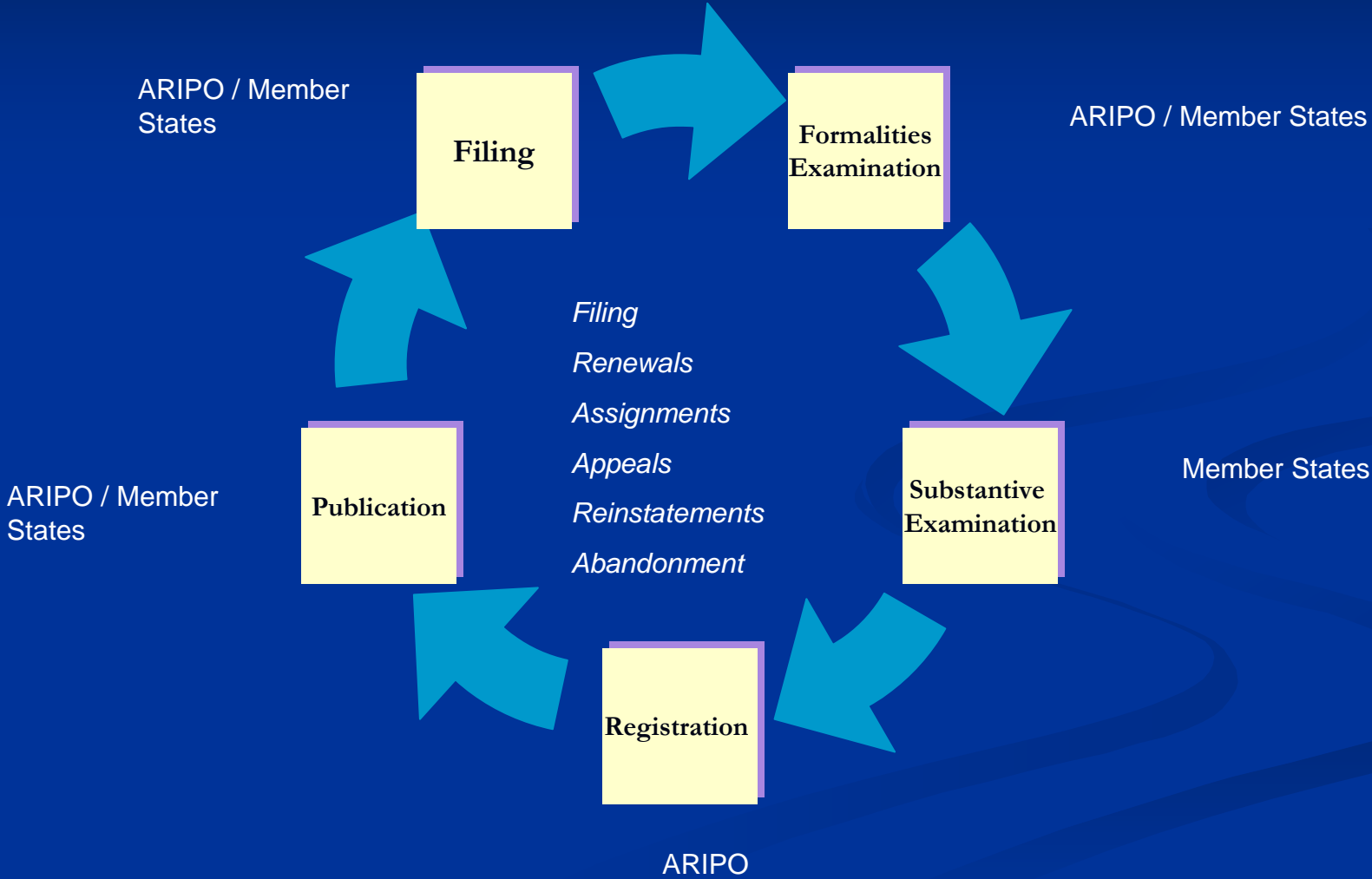
BUDAPEST Treaty

Patent Cooperation Treaty  
(PCT)



# BANJUL PROTOCOL

[Trade marks and service marks]



# THE PROTECTION OF COPYRIGHT AND RELATED RIGHTS

## ■ Strategic Plan

- Compatibility of copyright management systems of ARIPO Member States with international practice, eg WCT and WPPT
- Access to international databases
- Support for the establishment of ACCN and AFRONET
- Development of anti-piracy and anti-counterfeit programmes

## ■ Activities

- AFRICOS database and training
- Harmonization of copyright and industrial property offices
- Undertake studies on the contribution of copyright industries to economies of member states

# THE PROTECTION OF TRADITIONAL KNOWLEDGE, GENETIC RESOURCES AND EXPRESSIONS OF FOLKLORE

- Adopted Plan of Action
  - Establishment of a database
  - Harmonization of Laws
  - Training and Awareness creation
  - Devise ways of exploitation of resources
  - Preparation of contractual guidelines on ABS
  - Preparation of guidelines on IPR for traditional medical Practitioners
  - Participation in international meetings i.e. IGC Meetings, AU meetings, OAPI-ARIPO Consultative meetings etc.

# OTHERS: EMERGING GLOBAL IP ISSUES

[Driven by the demands of Member States. ARIPO is involved in emerging global IP issues]

The Organization is involved in the following studies:

- Internet domain names
- Protection of Transgenic plants and animals
- TRIPs and Public health
- Ethical concerns of biotechnology
- TRIPs review and compatibility with the Convention on Biological Diversity (CBD)

# TOOLS IN SUPPORT OF THE IMPLEMENTATION OF ARIPO'S MANDATE

- ARIPO Regional Training Centre (ARTC)
- Patent Information and Documentation Unit (PIDU)
- IP Training Clinic
- Strategic Plan 2006 -2010

# ARIPO REGIONAL TRAINING CENTRE

- Inaugurated on Feb. 15, 2005
- Centre of Excellence for teaching, research and skills development in IP
- Target Group: Public and Private Sectors, civil society, general public, policy makers, etc.
  
- Training Programmes include;
  - IP Policy, Patent drafting, Copyright and Reprography, PCT and Classification tools, Utility models and Industrial designs, SMEs etc
  - Training of Trainers Programme (Masters in IP Studies)
  - Establishment of Centre of Excellence on ABS for SADC Countries

# PATENT INFORMATION AND DOCUMENTATION UNIT

- Custodian of world wide collection of patent information (CD/DVD-ROMS, databases, digital libraries) offering the following services;
  - Search Services ( Novelty, State of the Art, Validity, Similarity and SDI searches)
  - Provide monographs, surveillance and patent mapping information to the public
- Current trend is the development of a paperless documentation and develop connectivity with external database. Deployment of a search tool i.e EPOQUE is also under consideration.

# GLOBAL VISION : INTERNATIONAL PERSPECTIVE

## ■ Challenges

- Globalization
- New technologies

## ■ Responses

- An intellectual property culture
- A global strategy
  - The transformation premise
  - Development of intellectual property system

# GLOBAL VISION: REGIONAL PERSPECTIVE

[ARIPO Strategic Plan 2006-2010 was adopted the main purpose being the following:]

- Goal-oriented strategies (ways) by which the organization's corporate objectives are effectively achieved within the given time.
- It is a systematic approach for enhanced efficiency in the operations of the organization
- It gives ARIPO clearer focus and direction and enable the Secretariat to see the big picture and prioritize the organization's activities
- It provides a basis for measurement and evaluation of organization's work output.
- Follow closely international environment particularly WIPO's activities i.e. WIPO's development agenda and meetings on the WIPO Standing Committee etc
- Exchange ideas and experiences with cooperating partners i.e. IP scenarios discussed during the 2007 EPO Inventor of the Year

# GLOBAL VISION: NATIONAL PERSPECTIVE

[For IP to be effective as a tool for national development member states should meet their obligations including but not limited to:]

- Adopt IP national policies
- Support development of IP policies in various industrial sectors
- Enact appropriate IP laws
- Domesticating international and regional treaties
- Accede to the international and regional treaties
- Intensify outreach programmes and the demystification of IP
- Develop appropriate IP infrastructures and IP culture

# CONCLUSION

- Current regional and international IP systems complements national visions their support is imperative
- Regional systems should be encouraged as they provide a step stone to a global IP system
- For nations to benefit from regional and international systems they should meet their obligations.

# THE HEADQUARTERS OF ARIPO

- Based in Harare since February 1982;
- **Physical Address**, 11 Natal Rd, Belgravia, Harare, Zimbabwe.
- **Postal Address**, P O Box 4228 Harare, Zimbabwe.
- **Telephone:** 00263 4 794065, 794066, 794070.
- **E-mail address:** [aripo@ecoweb.co.zw](mailto:aripo@ecoweb.co.zw) ; [mail@aripo.org](mailto:mail@aripo.org)
- **Website:** <http://www.aripo.org> .

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