



ARIPO

*African Regional Intellectual
Property Organization*

Creation of ARIPO and the regional TM system

Charles Pundo
Head of Formality Examination ARIPO

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Fostering Creativity and Innovation for Economic Growth and Development in Africa

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ARIPO – Historical Background

- Muted back in the seventies during WIPO and UNECA Seminars and workshops for the English Speaking African countries
- The legacy of colonialism played a dominant role in the formation of ARIPO
- Colonialism maintained a system which allowed standard protection of IPRs to be administered by the colonizer
- Challenges faced by the newly independent states included: poor IP legal regimes; non homogenous IP regimes, dependent IP regimes, outdated laws, non-existent IP laws, dual IP systems, poor IP infrastructure and poor public awareness on IP matters
- A costly process for the states to pursued on individual country basis
- States decided to pool resources together in order to avoid duplication of financial and human resources

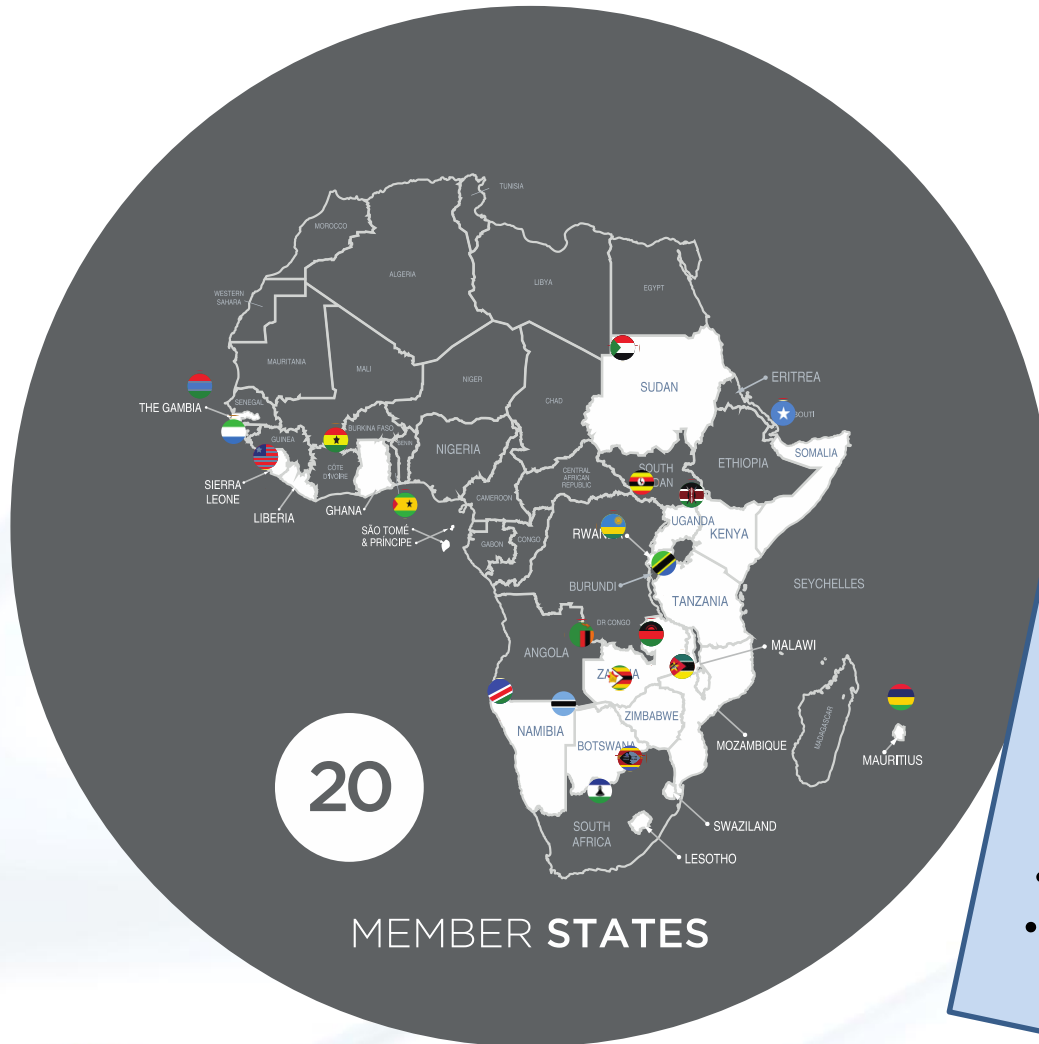


ARIPO – Historical Background

- ARIPO was created by the Lusaka Agreement, signed on 9 December 1976
- The Organization was initially known as the “English Speaking African Regional Industrial Property Organization (ESARIPO)”
- On 1 June 1981 the Organization established its own Secretariat.
- ARIPO is based in Harare, Zimbabwe
- Organization’s name was changed from ESARIPO to the African Regional Industrial Property Organization (ARIPO)
- On acquiring mandate on Copyright and Related Rights the name was again changed to the current name, the African Regional Intellectual Property Organization (ARIPO)



ARIPO – Member States



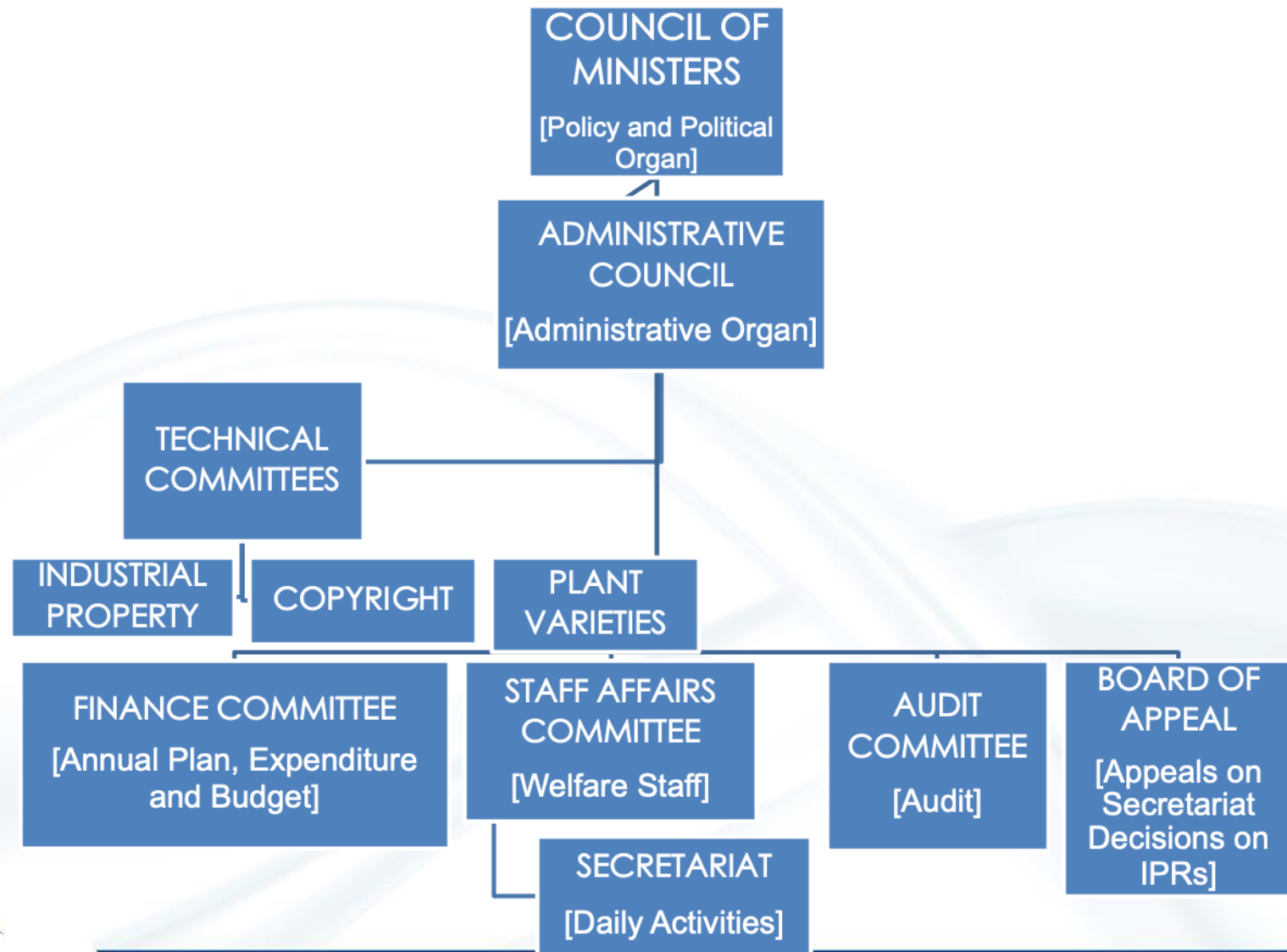
- Botswana
 - Gambia
 - Ghana
 - Kenya
 - Liberia
 - Lesotho
 - Malawi
 - Mauritius
 - Mozambique
 - Namibia
 - Rwanda
 - Sao Tome & Principe
 - Sierra Leone
 - Somalia
 - Sudan
 - Swaziland
 - Tanzania
 - Uganda
 - Zambia
 - Zimbabwe
- =20

- Potential:**
- Angola
 - Burundi
 - DRC
 - Ethiopia
 - Cape Verde
 - Nigeria
 - South Africa
 - Seychelles



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GOVERNING BODIES



Cooperating Partners

- Article VI of the Lusaka Agreement gives discretion to ARIPO to cooperate with WIPO, states not members of ARIPO and with other organizations, institutions and bodies.
- ARIPO cooperates with amongst others:
 - Regional IP Offices: EPO, OAPI, EUIPO, EAPO
 - National IP Offices: The UKPO, SIPO, INPI- Portugal, IMPI – Brazil, Swedish, USPTO, KIPO, JPO, etc
 - Institutions and other organizations: AU, ARSO, EAC and COMESA, WTO, AfCFTA, etc



ARIPO Main Objectives

- Promotion, harmonization and development of IP
- Establish common services and organs for IP coordination, development and harmonization
- Establish IP Capacity Building 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 IP systems for the economic benefits of its member states.



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ARIPO Mandates

Mandates cover three main areas i.e.:

- Industrial Property Rights:
 - Patents
 - Utility Models
 - Industrial Designs and
 - Marks
 - Geographical Indications (GIs)
- Copyright and related rights
- Traditional Knowledge (TK), Expressions of Folklore (EoF) and Genetic Resources (GR)



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ARIPO Protocols

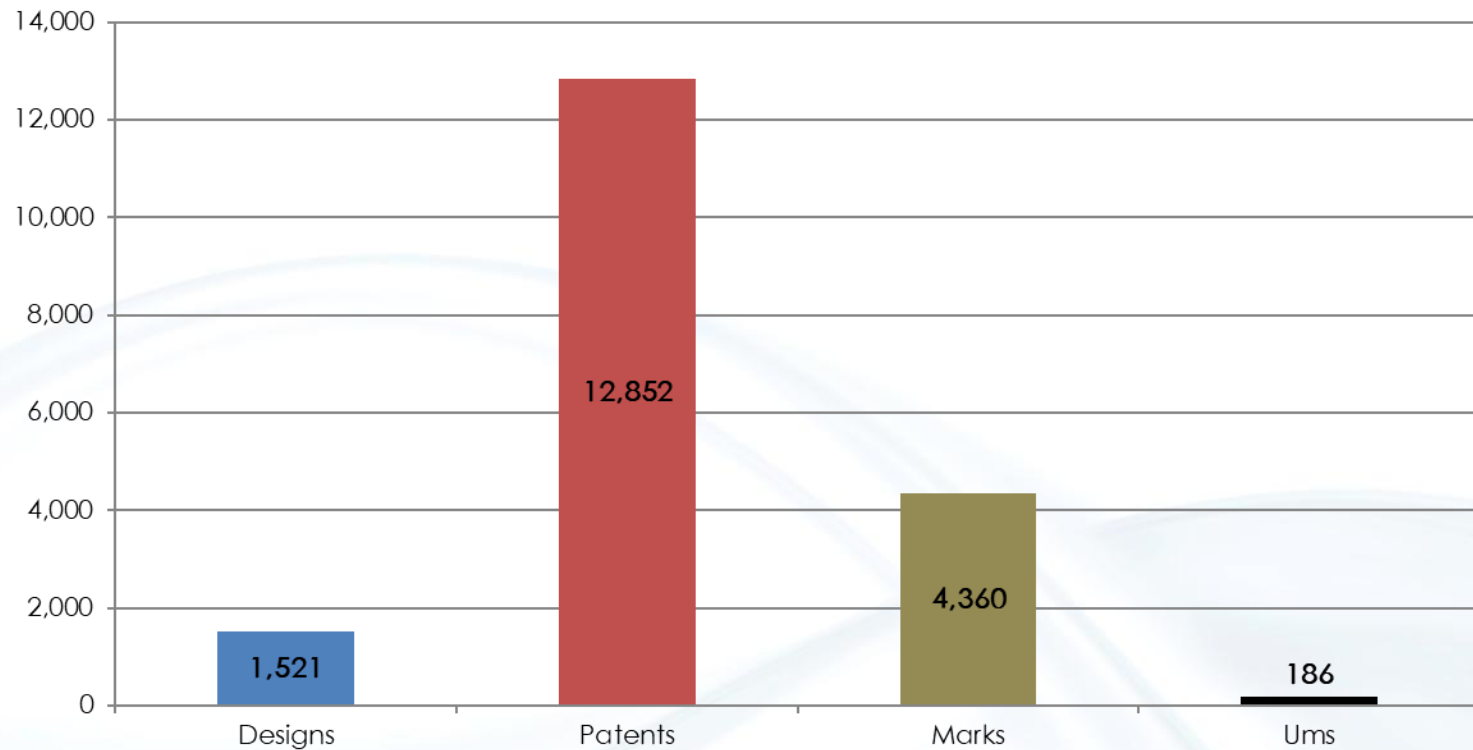
- To implement the mandates, four protocols have been put in place and are:
 - The Harare Protocol on Patents and Industrial Designs (includes Utility Models).
 - The Harare Protocol is linked to the Patent Cooperation Treaty (PCT)
 - The Banjul Protocol on Marks.
 - The Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore
 - Arusha Protocol for the Protection of New Varieties of Plants (not operational)
 - Diplomatic Conference on Copyrights Protocol to be held in 2021



Status of Member States

State	Lusaka Agreement	Harare Protocol	Banjul Protocol
Botswana	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Gambia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Ghana	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Kenya	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Lesotho	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Liberia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Malawi	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mauritius	<input checked="" type="checkbox"/>		
Mozambique	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Namibia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rwanda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Sao Tome and Principe	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sierra Leone	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Somalia	<input checked="" type="checkbox"/>		
Sudan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Swaziland	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Uganda,	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Tanzania	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Zambia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Zimbabwe	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Total States	20	18	11

Applications filed Received: All domains



The Banjul Protocol

- Adopted in 1993 (entered into force in 1997)
- Empowers ARIPO to register and administer trademarks on behalf of the Member States party to the protocol **[Contracting States]**
- Regional Protection – Applicant indicates designated States in a trademark application
- Duration of rights: 10 years renewable
- Out of the 19 Member States, 11 are contracting states of the Banjul Protocol and these are:

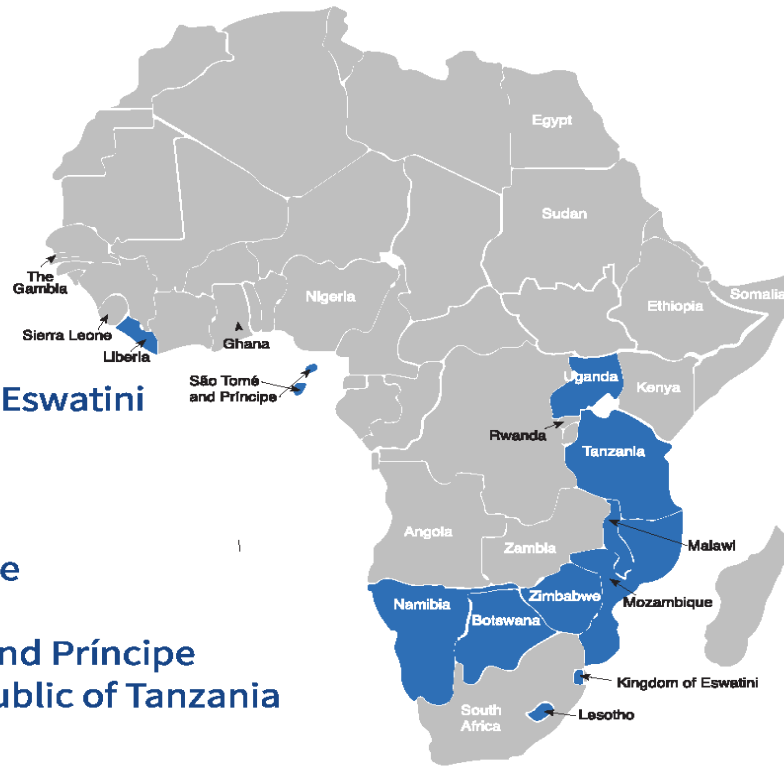
Botswana; Liberia; Lesotho; Malawi; **Mozambique**; Namibia
São Tomé and Príncipe; Swaziland; Uganda; United Republic of
Tanzania; Zimbabwe



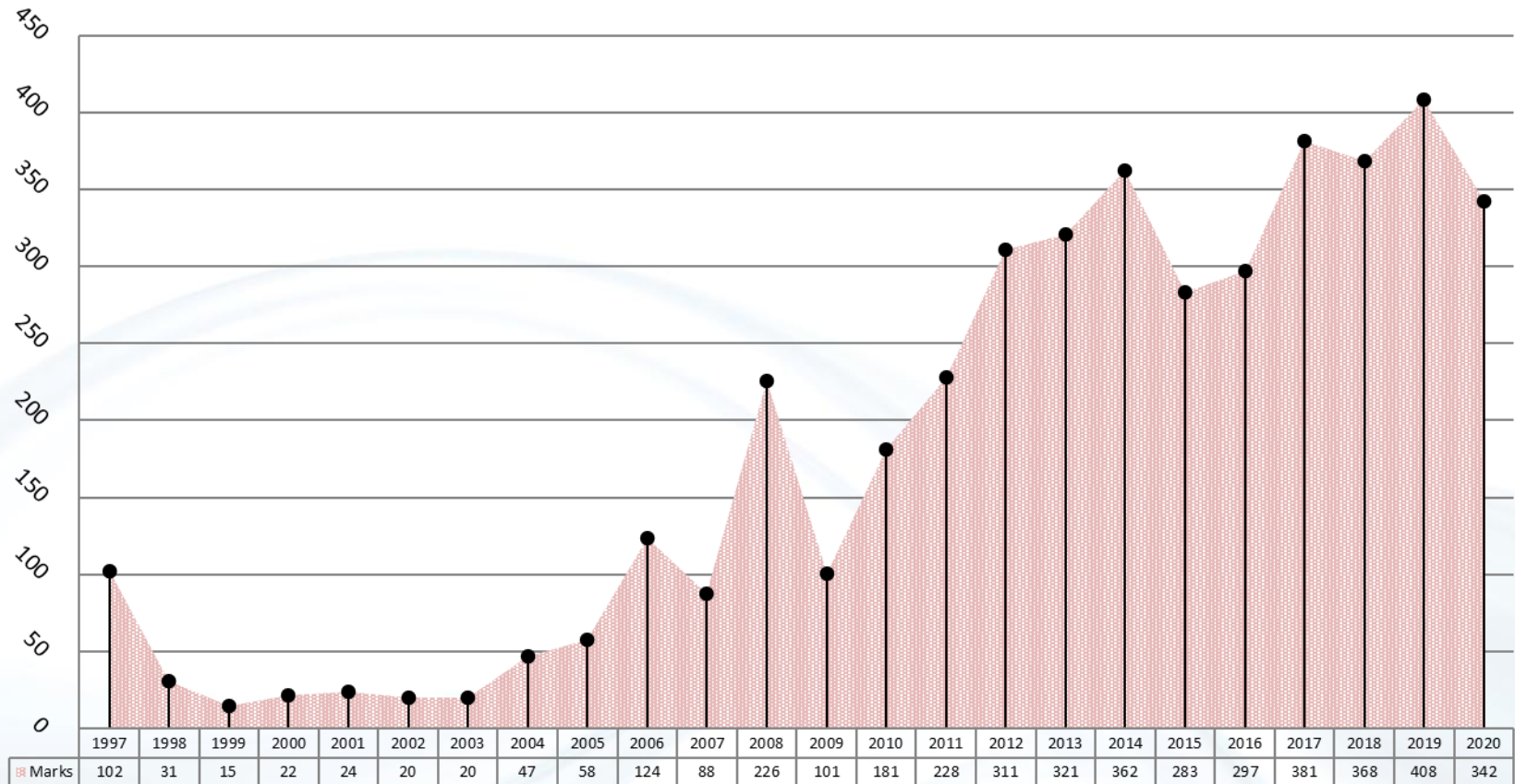
Banjul Protocol Geographic Representation

- ▶ Botswana
- ▶ Kingdom of Eswatini
- ▶ Liberia
- ▶ Lesotho
- ▶ Malawi
- ▶ Mozambique
- ▶ Namibia
- ▶ São Tomé and Príncipe
- ▶ United Republic of Tanzania
- ▶ Uganda
- ▶ Zimbabwe

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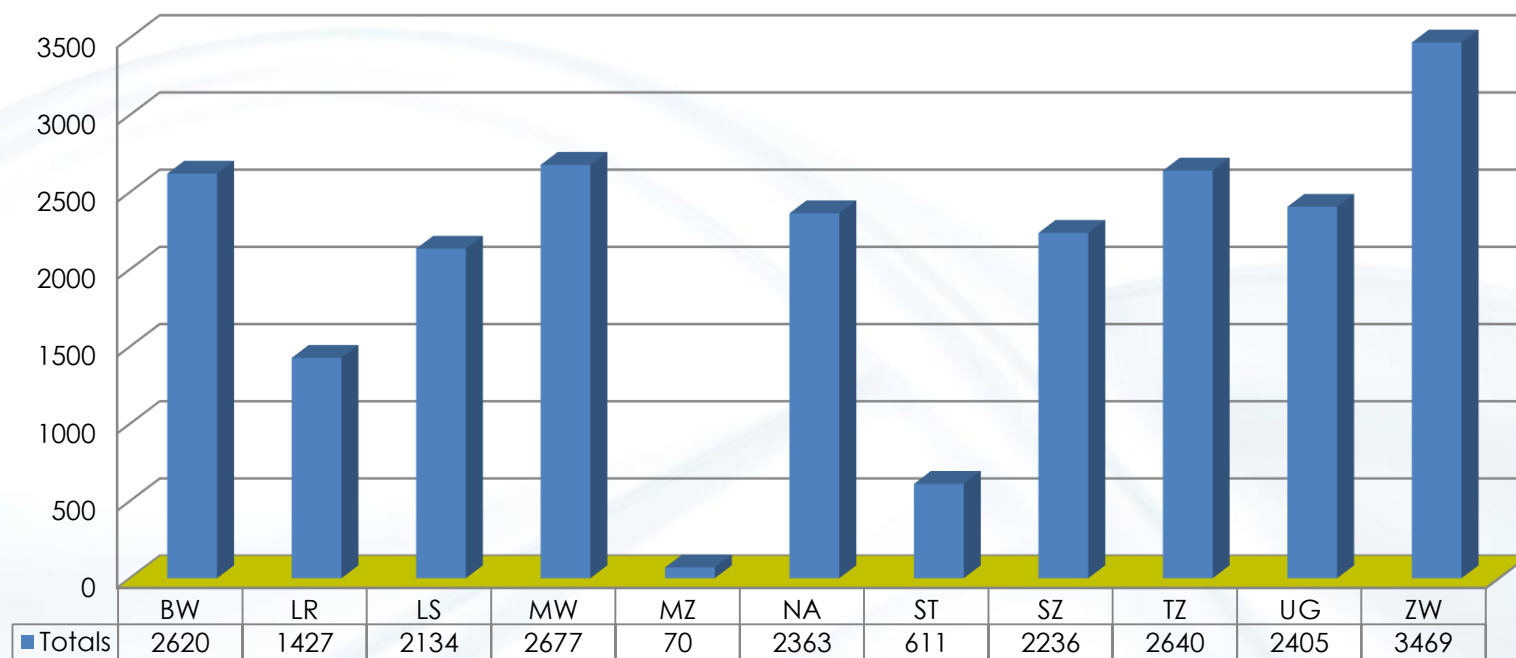
Yearly Mark Applications Received



Designation of TMs: 1997-2020

State	BW	LR	LS	MW	MZ	NA	ST	SZ	TZ	UG	ZW	Total
Total	2620	1427	2134	2677	70	2363	611	2236	2640	2405	3469	22652

Designation of Trademarks: 1997-2020



ARIPO achievements on IP Development in Africa

- Driving force for development of IP in the Member States
- Growing number of accessions to ARIPO and its Protocols
- Growing number of domestication of ARIPO protocols at the national level
- Growing number of registrations of IPRs
- Assisted Member States in development of IP policies
- Established Master of IP – Now in the 13th Cohort
- Trained IP Office Staff and examiners on IP
- Undertook awareness raising programmes
- Modernization of ICT infrastructures through KOICA Project



Advantages of the ARIPO systems for the users

- Applicant(s) can file application(s) either with the national office of member state or directly with the ARIPO Office
- Applicant can choose some or designate all member states
- Application is in one language (English) for all designated states
- Applicant pays fees in one currency – US dollars
- Applicant (where necessary) engages only one agent
- Centralized processing, grant and renewal
- During processing, ARIPO application can be converted into a national application without losing the filing date
- ARIPO system is simple, cost effective and user-friendly
- Low costs compared with individual filings

Once
registered
is a bundle
of national
rights



Challenges

- Lack of centralized trademark examination: Each member state carries out its own substantive examination which causes delays and duplication
- Need for harmonization of national laws
- Lack of common territory and jurisdiction
- Slow accession/ratification by member states
- Slow domestication by some contracting states

The African Regional Intellectual Property Organization (ARIPO)



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African Regional Intellectual Property Organization

- ▶ **Address: 11 Natal Road, Belgravia,
Harare, Zimbabwe**
- ▶ **Tel: +263 4 794 065 /6/8/54/74**
- ▶ **Fax: +263 4 794 072**
- ▶ **mail@aripo.org**
- ▶ **Website: www.aripo.org**