



Jackson, Etti & Edu

2024

AFRICA MID-YEAR

IP UPDATE

**CHINA-ARIPO
PATENT
PROSECUTION
HIGHWAY**



ARIPO

China and the African Regional Intellectual Property Organisation (ARIPO) have established a Patent Prosecution Highway (PPH), announced by the China National Intellectual Property Administration (CNIPA). This initiative allows applicants to accelerate the examination of an ARIPO patent application based on a corresponding Chinese patent application where CNIPA has determined one or more claims to be patentable.

The PPH agreement commenced on 8 June 2024 and is set to expire in 2029, spanning five years. CNIPA has previously engaged in PPH collaborations with 32 other countries and regions.

A request for expedited/accelerated examination may be filed at ARIPO, but the following conditions must be met:

- The application relates to a single invention and/or the applicant agrees to the examining division only considering the first identified invention;
- The applicant agrees to respond immediately to any clarifications sought by the examining division.

NIGERIA

INSIGHTS FROM NIGERIA'S NATIONAL WORKSHOP ON INTELLECTUAL PROPERTY



From May 28th to 30th, 2024, the Nigeria Export Promotion Council in Abuja hosted a national workshop on the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). Organized by the World Trade Organization (WTO) in partnership with Nigeria's Federal Ministry of Industry, Trade and Investment, the workshop aimed to enhance understanding and awareness of the TRIPS Agreement among Nigerian stakeholders in intellectual property (IP).

Nigeria has been a signatory to the TRIPS Agreement since January 1995, yet its integration into national legislation remains pending. The workshop focused on educating participants, including staff from the trade mark, patent, and design registries, about the core provisions of the TRIPS Agreement.

Throughout the workshop, speakers and panelists engaged in detailed discussions tailored to Nigeria's legal framework. The agenda on the first day covered a spectrum of topics related to trademarks, encompassing protected subject matter, three-dimensional trademarks, traditional and non-traditional marks, distinctiveness criteria, grounds for refusal, and collective and certification marks. Additionally, there was a concise overview of geographical indications.

The second day of the workshop delved into diverse subjects, such as genetic resources and associated traditional knowledge, copyright and related rights as per the TRIPS Agreement, and provisions concerning biodiversity and biotechnology patents. The concluding day centered on the enforcement of IP rights under TRIPS, highlighting the current status and challenges of IP enforcement in Nigeria.

The workshop also featured extensive discussions on patent protection in Nigeria. A dedicated session addressed patents, trade secrets, and undisclosed information under TRIPS, exploring the interface between TRIPS and public health, flexibilities within the agreement relevant to access to medicines, the TRIPS special compulsory license system, and the nexus between access to medicines and intellectual property in Nigeria.

NIGERIA

NIGERIA ESTABLISHES COMMITTEE TO REVISE NATIONAL IP POLICY



On May 30, 2024, the Ministry of Industry, Trade and Investment inaugurated an inter-ministerial committee to review and update Nigeria's draft Intellectual Property (IP) policy and strategy. The committee, chaired by Minister Dr. Doris Uzoka-Anite, aims to align the policy with global standards while addressing Nigeria's specific needs. Dr. Uzoka-Anite highlighted the importance of IP rights in driving innovation, economic growth, and societal progress, urging the committee to diligently shape the future of IP in Nigeria.

Co-chaired by Barrister Hannatu Musa Musawa, Minister of Art, Culture, and the Creative Economy, the committee's work is seen as crucial for attracting investors by providing a strong regulatory and legal framework. Former Senator Ben Murray-Bruce emphasized the urgent need for IP protection to benefit various sectors, including the creative industry, medicine, and science.

The committee comprises members from various ministries, including Health and Social Welfare, Justice, Aviation, Communications, Innovation and Digital Economy, Agriculture and Rural Development, Education, Science and Technology, Information and National Orientation, and Trade, Industry, and Investment. They are tasked with conducting a comprehensive review, engaging stakeholders, and providing recommendations.

BOTSWANA

CIPA TO LAUNCH ONLINE FILING SYSTEM IN JUNE 2024, OFFICES TO CLOSE FOR TRANSITION



The Companies and Intellectual Property Authority of Botswana (CIPA) has announced the launch of its online/e-filing system set for June 2024. In preparation for this transition, CIPA will close its offices from June 3, 2024, to June 14, 2024. During this period, no paper documents, electronic filings, or payments for IP rights applications will be accepted.

CIPA has assured that all applications submitted before the closure will be processed once the offices reopen. Furthermore, applications with due dates or priority dates will not be adversely affected by this temporary closure. As per Regulation 63 of the Industrial Property Regulations of 2012, any applications filed during the closure will be treated as received on June 17, 2024, the day CIPA resumes operations. After the reopening, CIPA will exclusively accept online applications.

GHANA

GHANA'S TRADEMARK SYSTEM GETS A BOOST WITH TMCLASS MEMBERSHIP



Starting May 13, 2024, the Registrar General in Ghana will begin utilizing and accepting terms from the harmonized database of goods and services (HDB) in TMclass. This integration of the Ghanaian Registry into TMclass brings the total number of participating national and regional IP offices, including ARIPO, OAPI, WIPO, and EUIPO, to 93.

TMclass offers users the capability to search for and translate goods and services among 44 available languages, as well as verify the correct classification of terms under the Nice Classification.

The incorporation of the Ghanaian Registry into TMclass is part of the EU-funded Intellectual Property Rights Action for Africa project, implemented by the EUIPO.

LIBERIA

JAMES Y. DRAPER APPOINTED NEW EXECUTIVE DIRECTOR OF THE COPYRIGHT SOCIETY OF LIBERIA



The Copyright Society of Liberia (COSOL), dedicated to the protection and promotion of creative works, has announced the appointment of Mr. James Y. Draper as its new Executive Director, effective April 22, 2024. Mr. Draper, who previously served as the Executive Secretary of the Liberian National Commission for UNESCO, brings a wealth of experience from his roles as Assistant Minister for Tourism at the Ministry of Information, Cultural Affairs & Tourism (MICAT) and Consultant on Intellectual Property at the Ministry of Commerce & Industry.

ZAMBIA

ZAMBIA'S STATUTORY FEE ADJUSTMENT LEADS TO INCREASED COSTS FOR IP FILINGS



On April 15, 2024, Statutory Instrument No. 25 of 2024 brought into effect the Fees and Fines (Fee and Penalty Unit Value) (Amendment) Regulations, 2024, resulting in an increase in statutory unit fees from 30 ngwee (K0.30) to 40 ngwee (K0.40).

This adjustment in the statutory fee unit has led to higher official fees at various government institutions, including the Zambian Patents and Companies Registration Agency (PACRA), which confirmed that the new fees will be implemented starting May 20, 2024.

Government bodies responsible for collecting revenue under different laws have been instructed to adjust their charges immediately, following the new regulations. This change will affect various fees and penalties imposed by government institutions. Stakeholders are advised to review relevant laws and regulations to understand how the revised fee and penalty structures may impact their activities and ensure compliance.

OAPI

OAPI ANNOUNCES THE IMPLEMENTATION OF ITS E-FILING SYSTEM



The OAPI Registry has announced the launch of its e-filing system, set to begin on June 3, 2024.

To support this transition, the Registrar has scheduled a series of virtual meetings aimed at training all accredited agents on the new system and procedures. This e-filing system will cover trademark-related tasks such as registrability searches, application filings, renewals, recordals, and oppositions. Additionally, company name registrations and objections will be managed through the e-filing platform. However, patent matters will not be included in this initial phase.

Despite the introduction of electronic filing, agents will still be required to submit hard copies of documents, including digital support document printouts, to complete the filing process. The new e-filing system is anticipated to improve the efficiency of the OAPI Registry in managing trademark and company name registrations.

STRENGTHENING TRADEMARK EXAMINATION: OAPI AND EUIPO COLLABORATE IN WORKSHOP



From May 13 to 16, 2024, the EUIPO offices in Alicante, Spain, hosted a four-day workshop for five trademark examiners from OAPI.

This workshop is part of a broader capacity-building initiative aimed at enhancing the skills of OAPI's trademark and design examiners in substantive examination processes. Following a similar event for industrial examiners in April 2024, this workshop focuses on bolstering the expertise of OAPI examiners and management staff in substantive examination principles, which OAPI has been practicing since January 2022.

The workshop emphasized knowledge sharing between OAPI and EUIPO, particularly on trademark examination practices and EUIPO's procedures. Key topics included:

- Trademark examination guidelines.
- The role of digital technologies and the metaverse in the classification of goods and services and examination.
- Classification of figurative elements.
- Understanding and implementing changes from the 12th edition of the Nice Classification (version 2024).
- Assessing the similarity of signs for relative grounds of refusal.
- Substantive examination practices.
- Division and transfer of application specifications.
- Evaluating the distinctiveness of all types of trademarks, including non-traditional ones.

This collaborative effort is expected to significantly enhance the capabilities of OAPI examiners, fostering a more robust and efficient trademark examination process.

AFCFTA SECRETARIAT ENGAGES WITH OAPI TO ENHANCE IP FRAMEWORKS



On May 2 and 3, 2024, the African Continental Free Trade Area (AfCFTA) Secretariat visited the Organisation Africaine de la Propriété Intellectuelle (OAPI) headquarters in Yaoundé, Cameroon.

The visit involved key discussions between Desire Loumou, Head of the Intellectual Property Rights Division, and Fikremarkos Merso, an IP rights expert, along with OAPI's General Management team. Their goal was to foster innovation and achieve greater alignment of intellectual property frameworks among OAPI member states.

This engagement is part of the African Union's strategy to encourage the AfCFTA Secretariat to collaborate with regional IP offices in Africa, emphasizing the importance of robust IP rights as vital national assets.

SOUTH AFRICA

SOUTH AFRICA APPROVES CANNABIS LEGISLATION FOR PRIVATE USE



President Cyril Ramaphosa has signed the Cannabis for Private Purposes Act (CfPPA) into law on May 28, 2024. This legislation allows adults to grow, possess, and use cannabis within private spaces.

By removing cannabis from the Drugs and Drug Trafficking Act, the CfPPA facilitates necessary amendments to the Medicines and Related Substances Act, and introduces targeted reforms to the Plant Breeders' Rights Act and the Plant Improvement Act.

The Act includes regulations for the medical use of cannabis by children, aiming to protect them from unnecessary exposure. It also proposes new methods to manage prohibited activities involving cannabis among minors, ensuring their best interests are considered. While commercial cannabis activities remain banned, the CfPPA will take effect after its official publication in the Government Gazette.

KEY CONTACTS

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