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RWANDA

RWANDA ENACTS NEW INTELLECTUAL PROPERTY LAW: LAW NO. 055/2024



On July 31, 2024, Rwanda enacted Law No. 055/2024, a significant update to its intellectual property framework, replacing the previous Law No. 31/2009. This new legislation, effective immediately upon publication, introduces several important changes aimed at strengthening intellectual property protection in the country.

For trademarks, the law extends the time allowed for applicants to correct incomplete applications from 7 to 14 days. If the required corrections are not made within this period, the application will be considered withdrawn. The new law also tightens registration requirements by prohibiting trademarks that are filed in bad faith, are imitative, or are merely descriptive. Additionally, it mandates that applicants must be notified of any provisional refusals of international trademark registrations within 12 months, providing a three-month window to reapply nationally if an international registration is canceled. Importantly, trademark rights are now acquired upon publication unless an opposition is filed.

In the area of patents, the law introduces flexibility by allowing applicants to make amendments before the grant requirements are confirmed. It also provides the option to convert patent applications into provisional ones, with an expedited processing available upon request and payment of a fee.

The law includes transitional provisions, stating that orders made under the previous law will remain valid for six months unless they conflict with the new legislation. This comprehensive update underscores Rwanda's commitment to enhancing the protection and management of intellectual property within its borders.



WIPO



WIPO INTRODUCES NEW TREATY ON IP AND GENETIC RESOURCES

On May 24, 2024, WIPO member states adopted a landmark treaty that addresses the complex intersections between intellectual property, genetic biological resources, and traditional knowledge. This treaty marks a historic first for WIPO, as it specifically includes provisions that recognize the rights and concerns of Indigenous Peoples and local communities.

A key requirement introduced by the treaty is the obligation for patent applicants to disclose the origin of genetic resources and related traditional knowledge. This move is aimed at promoting greater transparency and ensuring that the contributions of Indigenous Peoples and local communities are acknowledged in the patenting process. However, the treaty has faced criticism for not fully addressing the issue of compensation for these communities, a concern that remains a significant point of contention.

The treaty will come into force once it is ratified by 15 contracting parties. At that point, it will establish a new international legal standard requiring patent applicants to disclose the use of genetic resources and traditional knowledge in their inventions, thus reinforcing the importance of transparency and respect for the contributions of Indigenous and local communities in the global intellectual property landscape.

WORLD TRADE ORGANIZATION (WTO)



The African Group has recently proposed substantial amendments to the World Trade Organization (WTO) rules to bolster green industrialization across Africa. These proposed changes are aimed at reshaping the global trade landscape to better support sustainable development and the adoption of green technologies.

In tandem with these efforts, Africa is working to align its intellectual property protection and enforcement mechanisms with international standards. This alignment is intended to drive innovation, attract investments, and foster economic growth on the continent. By advocating for these changes, Africa is positioning itself as a leader in the global shift towards a more sustainable and environmentally conscious industrial future.

LIBYA

LIBYAN TRADEMARKS OFFICE TO RESUME NEW TRADEMARK FILINGS STARTING SEPTEMBER 2, 2024



The Libyan Trademark Office (TMO) is set to reopen its doors for new trademark applications starting September 2, 2024. This development comes after a long-awaited Ministerial Decree, which has restored the TMO's full operational capacity after a period of limited activity. This marks a significant step forward for intellectual property protection in Libya, offering a fresh opportunity for companies to safeguard their brands in this evolving market.

ARIPO



The African Regional Intellectual Property Organization (ARIPO) and the China National Intellectual Property Administration (CNIPA) have initiated the Patent Prosecution Highway (PPH) pilot program. This initiative underscores a shared commitment to promoting innovation and streamlining the patent application process for applicants seeking protection across ARIPO member states and China.

SOMALIA

SOMALIA'S ECONOMIC REVIVAL AND THE REOPENING OF THE SOMALI INTELLECTUAL PROPERTY OFFICE (SIPO)



Somalia's recent economic transformation offers substantial opportunities due to its strategic location and natural resources. A key milestone in this progress is the reopening of the Somali Intellectual Property Office (SIPO) in early 2021, after years of closure. This provides businesses with a formal mechanism to register and protect trademarks in Somalia, governed by pre-federal IP law and adhering to the 10th edition of the Nice Classification.

Trademark protection is vital for businesses entering Somalia's emerging market, as it ensures brand differentiation, prevents counterfeiting, and secures consumer trust. A registered trademark is crucial for maintaining brand identity, protecting investments, and enhancing asset value.

As Somalia's market grows, early trademark registration through SIPO offers a significant competitive advantage and safeguards intellectual property assets, positioning businesses for success in this evolving landscape.

SOUTH AFRICA

SOUTH AFRICA TO REVOLUTIONIZE PATENT SYSTEM WITH SUBSTANTIVE SEARCH AND EXAMINATION (SSE) ROLLOUT



South Africa is set to overhaul its patent system by introducing substantive search and examination (SSE) for patent applications. This transition from the current depository system, which primarily checks formalities, to a more rigorous examination process will have a significant impact on patent granting and enforcement within the country. The Companies and Intellectual Property Commission (CIPC) has already started training patent examiners and is working closely with international IP offices and organizations like WIPO to build the necessary expertise. This includes hands-on learning programs with local patent attorneys to ensure a smooth transition.

The shift to SSE is designed to address issues like patent "evergreening" and reduce the likelihood of granting invalid patents, which can stifle innovation. This change is expected to enhance local innovation and establish a robust framework for protecting intellectual property, thereby promoting economic growth and technological advancement in the region. However, implementing SSE will require legislative amendments, and confirmation of the timeline for the new prosecution procedure is still pending.

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