

IP in Africa Newscast

Ethiopia

Draft Regulations to supplement the Trade Mark Registration and Protection Proclamation of 2006

Draft Regulations have been issued, intended to supplement the Trade Mark Registration and Protection Proclamation of 2006. The proclamation has not been brought into force pending settlement of such subsidiary legislation. It is thought that consideration of the regulations will be given priority. Spoor & Fisher Jersey is participating in the discussions and further developments will be reported via our website.

Flag:



Coat of Arms:



Capital: Addis Ababa

Population: 64 million

Major languages: Amharic, Tigrinya, Orominga

Major religions: Christianity, Islam

Form of government: Multiparty republic

Monetary unit: 1 Birr = 100 cents

Main exports: Coffee, hides, oilseeds,

beeswax, sugarcane

Internet domain: .et

Time zone: GMT 3

Djibouti

Draft consolidated industrial property law

A working party of officials and practitioners drafted a consolidated industrial property law to include patents, circuit layouts, industrial designs and models, trade and service marks, commercial names, geographical indications and appellations of origin; as well as provisions against unfair competition, and civil and criminal procedures. The Bill evolved into an Act No. 050/AN/09, adopted by the Djibouti Parliament on 27 April 2009. A law was also passed to create a new Industrial Property Office. The date when they will come into effect has not yet been fixed. We believe work has still to be done on practical necessities such as regulations, forms and fees to supplement the principal legislation, and the actual establishment of the office.

Flag:



Coat of Arms:



Capital: Djibouti

Population: 450,000

Major languages: French, Arabic, Somali, Afar

Major religion: Islam

Form of government: Multiparty republic

Monetary unit: 1 Djiboutian franc =

100 centimes

Main exports: Re-exports, hides and skins,

coffee (re-exported from Ethiopia)

Internet domain: .dj

Time zone: GMT 3

International dialling code: 253

Motto: Unité, Égalité, Paix" (translation) "Unity, Equality, Peace"



Mac Spence



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Kenya**Geographical Indications (GIs)**

There was a useful workshop on GIs in Nairobi on 14 May 2009. Presentations were made by Prof. Felix Addor (deputy director general of the Swiss Federal Institute of Intellectual Property) and the director of the Kenya Industrial Property Institute, Prof. James Otieno-Odek, among others. A Memorandum of Understanding was signed whereby the Swiss will cooperate in the establishment and implementation of a GI legal framework.

A Geographical Indications Bill has been under discussion for some years and the pressure is now on (not least from the European Union as trading partners) to bring it into law and into force. We are hoping to get the latest draft for comment soon.

Meanwhile it may be noted that protection can in effect be obtained under the existing provisions of the Trade Marks Act as to certification marks.

Flag:**Coat of Arms:****Capital:** Nairobi**Population:** 30 million**Major languages:** Swahili, English**Major religion:** Christianity**Form of government:** Multiparty republic**Monetary unit:** 1 Kenya shilling = 100 cents**Main exports:** Tea, coffee, horticultural products, petroleum products**Internet domain:** .ke**Time zone:** GMT 3**International dialling code:** 254**Motto:** "Harambee" (Swahili) translation "Let us all pull together"**Morocco****Ratification of The Trademark Law Treaty**

The Trademark Law Treaty (TLT): Morocco has ratified the TLT with effect from 6 July 2009. The country signed the treaty in 1995 and its membership became effective three months after ratification.

The TLT is designed to harmonise and simplify the formal requirements of members' home trade mark offices and a summary of its effects and membership from an African viewpoint should appear on our website soon.

Meanwhile we note that Morocco appears to already comply with its new treaty obligations, with one possible exception. This is that currently the National Industrial Property Office requires a separate power of attorney for each trade mark application or other transaction, whereas Article 4(1)(c) of the treaty seems to state that a power of attorney may relate to several applications or registrations of the same person unless the representative has the right to withdraw an application or to surrender a registration. We are discussing the question with our contacts in Morocco.

Flag:**Coat of Arms:****Capital:** Rabat**Population:** 30 million**Major language:** Arabic (official); Berber; French and Spanish.**Major religion:** Islam**Form of government:** Monarchy**Monetary unit:** Dirham = 100 centimes**Main exports:** Minerals, seafood products, citrus fruit**Internet domain:** .ma**Time zone:** gmt - 1**International dialling code:** 212**Motto:** All h, al Wa an, al Malik (transliteration) "God, Country, King"**IP in Africa**

Rwanda**Preparation of Industrial Property Act**

A comprehensive industrial property law on the WIPO model has been under preparation since 2006. The way is clearly being prepared for it to be brought into effect. That essential ingredient, an industrial property office, is now in business within the Rwanda Development Board. At present this authority functions as the registry under the pre-existing patent and trade mark laws. Proper care is evidently being taken to ensure that subsidiary legislation (regulations, forms and fees) are in place before the principal law comes into force. We are in contact with the board and all developments will be reported on our website.



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*Capital: Kigali**Population: 7 million**Major languages: Kinyarwanda (official), French (official), English (official), Swahili**Major religions: Christianity, indigenous beliefs**Form of government: Republic**Monetary unit: 1 Rwandan franc = 100 centimes**Main exports: Coffee, tea, hides, tin ore**Internet domain: .rw**Time zone: GMT 2**International dialling code: 250**Motto: Ubumwe, Umurimo, Gukunda Igihugu**- "Unity, Work, Patriotism"***Sao Tome & Principe****Madrid**

This country became party to the Madrid Protocol with effect from 8 December 2008. It was officially announced that the National Industrial Property Service would give effect to its provisions.

The national law does not expressly mention the Madrid arrangements but states that the terms of any international agreement relating to patents, industrial models or designs, collective trade marks and indications of provenance or names of origin to which Sao Tome & Principe is a contracting party, are applicable. In the event of divergence between the agreements and this law, the former shall prevail. It is noted that trade marks, other than collective marks, are not mentioned, but this seems to be an accidental omission.

It is therefore evident that International (Madrid) trade mark registrations designating Sao Tome & Principe are recognised and effective there.

Flag:*Coat of Arms:**Capital: Sao Tome**Population: 160,000**Major language: Portuguese**Major religion: Christianity**Form of government: Multiparty republic**Monetary unit: 1 dobra = 100 centimos**Main exports: Cocoa**Internet domain: .st**Time zone: GMT**International dialling code: 239**Motto: Unity, discipline, labour***IP in Africa**

Somaliland**Supposed Registration Certificates**

Somalia has had no effective government for decades. The northern territory, formerly British Somaliland, made its unilateral declaration of independence in 1991 and despite lack of formal, international recognition, is effectively autonomous. In the absence of industrial property legislation, a practice has been established of publishing cautionary notices for trade marks.

Recently it was suggested that a formal system had been created, resulting in the issue of purported certificates of registration. We have checked the situation with our contacts and are assured that there is no official authority for any such registrations or certificates. We shall welcome any fresh news or questions, especially from any practitioner or proprietor who may have received so-called trade mark certificates or been offered them.

Flag:**Emblem:**

Capital: Hargeisa

Population: 3.5 million

Major languages: Somali, Arabic, English

Major religion: Islam

Form of government: Republic

Monetary unit: 1 Somaliland shilling = 100 cents

Main exports: Livestock, , hides, frankincense and myrrh

Internet domain: .so

Time zone: GMT 3

International dialing code: 252

Motto: L il h ill -ll hu; muhammadun ras lu-ll hi (transliteration)

"There is no god but God; Muhammad is the Messenger of God"

Uganda**False alarm about service marks, adoption of 9th Edition, Nice Classification; other IP initiatives**

A letter was issued on 10 June 2009, by the Uganda Registrar General's office to all intellectual property practitioners. It announced that the International Classification of Goods and Services (Nice Classification) must be complied with for registration of trade marks. The letter refers to a copy of the classification, available at the Registry, and that copy is of the 9th edition. As such, it includes Classes 35 - 45 of services.

That was interpreted by some practitioners to mean that service mark protection has become available in Uganda. Mindful that the national Trade Marks Act and Rules date back to 1952 and refer solely to goods, we have discussed the announcement with the Ugandan authorities. It has been confirmed that the law has not yet been amended to provide for service marks, and accordingly the Registry is not open for filing of service mark applications.

The 10 June letter reflects the administrative decision by the Registrar of Trade Marks that specifications of goods in trade mark applications must comply with the most up-to-date classification in the 9th Nice edition. He is now examining new applications on this basis but it is not yet clear to what extent, if any, he may wish to amend specifications of goods/services.

The Uganda Government is aware of the need to recognise service marks. A Trade Marks Bill is before Parliament which will definitely provide for them and which may be passed before the end of 2009. The question of supporting regulations, forms etc., remains open for the time being.

The Trade Secrets Protection Act came into effect on 12 June 2009 and work is in progress on a Counterfeit Goods Bill.

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Flag:



Coat of Arms:



Capital: Kampala

Population: 23 million

Major languages: English (official), Swahili and other Bantu languages

Major religions: Christianity, Islam

Form of government: Republic

Monetary unit: 1 Ugandan shilling = 100 cents

Main exports: Coffee, fish and fish products, tea; tobacco, cotton, corn, beans, sesame

Internet domain: .ug

Time zone: GMT 3

International dialling code: 256

Motto: "For God and My Country"

Advice and information on trade mark, patent and other intellectual property topics, throughout Africa, surrounding islands and elsewhere, are available from your usual Spoor & Fisher contacts, our site www.spoor.com or info@spoor.co.uk.



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