

**The TRIPS implementation experience of OAPI-LDCs:
what do the WTO TPRs tell us and where are the gaps**

**WTO Symposium on LDC Priority Needs for Technical
and Financial Assistance**

Geneva 19-21 october

Dr. Marcelin Tonye Mahop
Associate Saana Consulting
Geneva, 20 October 2011

SAANA CONSULTING

Outline

- Some generalities on OAPI
- Emerging trends in technical and Financial assistance priority needs for OAPI/LDCs countries
- Emerging gaps
- Conclusion

SAANA CONSULTING

OAPI Generalities

- The Organisation Africaine de la Propriete Intellectuelle (OAPI) administers the Bangui Agreement
- The agreement adopted in March 1977 and was revised in February 1999
- The 1999 Bangui Agreement comprises the Agreement itself and ten annexes which are basically the tools used by OAPI for the protection of IP such as patents, trade marks, Geographical Indications, industrial design, plant breeders' rights, etc.
- The 1999 Bangui agreement: a common and uniform system for the administration of procedures pertaining to the protection of industrial property in OAPI member states
- OAPI centralizes, coordinates and disseminates information of all kinds relating to the protection of literary and artistic property
- OAPI comprises 15 member states, 11 of which are in the LDCs group of countries
- The 1999 revision was done to bring OAPI regime in tune with TRIPS and other international IP related treaties such as UPOV 1991 act
- WIPO and UPOV -among others- technically assisted the revision process

SAANA CONSULTING

**Current Trends and Gaps in OAPI LDCs Needs Priorities on
Technical and Financial Assistance (I)**

- Saana has worked on TRIPS/LDCs over the past years including for the WTO
- Need to better understand the OAPI LDCs TRIPS linkages especially on technical and financial assistance needs (publicly available data particularly from WTO)
- Guiding questions:
 - What do WTO sources tell us about OAPI LDCs in respect of Technical and Financial assistance in IP matters?
 - Where are the gaps?
- (a) WTO Trade Policy Reviews and; (b) WTO Needs Assessments, (c) WTO Art. 67 Returns; (d) WIPO Lex
- Information on main providers of Technical and Financial assistance (e.g Benin, Mali, Senegal)
- Most common TA providers include: Switzerland, France, US, WIPO, OAPI

SAANA CONSULTING

Current Trends and GAPS in OAPI LDCs Needs Priorities on Technical and Financial Assistance (II)

- Sectors where TA has focussed: IP Administration and awareness promotion; legal training; IP enforcement (mainly from US)
- Sectors mentioned as priority needs:
 - High technology sectors such as protection of integrate circuits (Benin)
 - Legal assistance for the adaptation of industrial property laws to the TRIPS agreement (Guinea Bissau)
 - Better understanding of TRIPS, technical and logistical support for IP administrations (Burkina Faso)
 - Enforcement, training of private and public agents, enhancement of cooperation with international enforcement agencies (Senegal has a long list of priority needs in its Priority Needs for Technical and Financial Cooperation report 2011)
- Some emerging Gaps:
 - Very few countries have assessed and reported on priority needs
 - No mention of national institutions for the facilitation of Technology Transfer Agreements for R&D and the capacity needs for such offices
 - Ownership of intellectual (industrial) property rights by nationals not really understood by countries

SAANA CONSULTING

Conclusion

- The publicly available sources tell us what countries have been able to put there
- Last TPRs e.g. of some countries date back 2002 (Mauritania) 2005 (Guinea for instance)
- Some information may well be available in-countries but need to be accessed
- One technical assistance need may be related to raising reporting capacities of LDCs countries
- LDCs can use these public reporting means in their search for technical and financial assistance

SAANA CONSULTING

Thank you

SAANA CONSULTING