

## **REFLECTING ON THE WIPO-WTO COLLOQUIUM & IPSA CONFERENCE: A JOURNEY THROUGH INTELLECTUAL PROPERTY IN AFRICA**

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The recent World Intellectual Property Organisation (WIPO) – World Trade Organisation (WTO) Colloquium and Intellectual Property Scholars Africa (IPSA) Conference hosted by the DSI-NRF Chair in Intellectual Property (IP), Innovation and Development at the University of Cape Town (UCT) was a gathering of some of the brightest minds in the field of IP across the African continent. Over four days, attendees were treated to a series of insightful discussions, thought-provoking presentations, and groundbreaking research. The conference provided a platform for scholars, legal professionals, and industry experts to explore the current state of IP in Africa and to envision the future of IP in this rapidly evolving landscape.

### **Day 1: Setting the Stage for Intellectual Property Discourse**

The inaugural session featured a series of impactful opening remarks that set the tone for the conference. Prof Jeff Murugan, UCT's Acting Deputy Vice Chancellor for Research and Internationalisation, welcomed the delegates to UCT and noted how critical the presentations and scholarship of the delegates are to the advancement of our collective knowledge. Mr. Sherif Saadallah, Executive Director of the WIPO Academy, highlighted the role of IP in fostering innovation and economic growth in Africa. He emphasised the need for continuous education and capacity building to ensure that African nations can fully harness the benefits of IP. Ms. Jetane Charsley, Chief Director of the National Intellectual Property Management Office (NIPMO) of South Africa, followed with a powerful speech on the importance of IP education in driving sustainable development. She shared insights on NIPMO's initiatives to enhance IP awareness and management in South Africa, setting a benchmark for other countries in the region.

Prof. Danwood Chirwa, Dean of the Faculty of Law at UCT, added to the discussion by stressing the importance of academic institutions in advancing IP knowledge. He advocated for greater collaboration between universities and industry to bridge the gap between theoretical knowledge and practical application.

Prof. Michelle Kelly-Louw, Head of the Commercial Law Department, Faculty of Law at UCT, provided a nuanced perspective, highlighting the challenges faced by IP academics in Africa. She called for more robust legal frameworks and enforcement mechanisms to protect IP rights effectively. Dr. Antony Scott Taubman, Director of the Intellectual Property Division at the World Trade Organisation (WTO), joined virtually from Geneva. He commended the progress made by African nations in integrating IP into their national strategies but also pointed out areas where further improvements are needed. His remarks served as a call to action for all stakeholders to work together in advancing IP on the continent.

The first thematic session of the day focused on "IP Education, Training, and Skills Building in Africa," a topic of paramount importance for the continent's development.

Moderated by Ms. Jetane Charsley, this session featured a series of presentations that highlighted the current state of IP education in Africa and the initiatives being undertaken to enhance it. Ms. Martha Chikowore from the WIPO Academy kicked off the session with a presentation on WIPO's efforts to build IP capacity in Africa. She discussed various training programs and educational resources provided by WIPO, including the Distance Learning Program, which has been instrumental in reaching a wider audience across the continent. Martha emphasised the need for tailored educational content that addresses the specific needs and challenges of African countries. Ms. Roshan Khan, representing the WTO, followed with a presentation on the WTO's role in supporting IP education in Africa. She highlighted the importance of understanding the global IP landscape and the implications of international agreements like the TRIPS Agreement for African nations. Roshan also discussed the WTO's technical assistance programs that help member states build their IP regimes in alignment with global standards.

Theme 2 moderated by Mr. Victor Owade then shifted focus to regional efforts, with presentations from representatives of key African IP organisations. Prof. John Dashaco Tambutoh from the University of Yaoundé II spoke on the role of the African Intellectual Property Organisation (OAPI) in advancing IP education in Francophone Africa. He outlined OAPI's initiatives in promoting IP awareness and supporting the development of national IP strategies. Dr. Outule Rapuleng from the ARIPO Academy provided insights into the African Regional Intellectual Property Organisation's (ARIPO) educational programs. He highlighted ARIPO's collaboration with universities across Africa to integrate IP into their curricula, thereby creating a new generation of IP professionals who are well-equipped to navigate the complexities of the global IP system.

The third theme of the day, "Frontier Technologies & Digital Copyright and Related Rights," tackled one of the most pressing issues in the IP world today. With the rapid advancement of technology, traditional copyright laws are increasingly being challenged, and this session aimed to explore these challenges and potential solutions. Moderated by Assoc Prof. Lee-Ann Tong from the University of Cape Town, this session brought together experts to discuss how emerging technologies such as artificial intelligence, blockchain, and big data are transforming the copyright landscape. Prof. Tana Pistorius, a leading scholar in IP law, presented a thought-provoking paper on Copyright's Wicked Problems: The Promise and the Peril of Frontier Technologies. Assoc Prof. Teshager Dagne, Ontario Research Chair in Governing Artificial Intelligence at York University, expanded on the topic. Dagne's presentation sparked a lively debate among participants.

Following the initial discussions on the challenges posed by frontier technologies to digital copyright and related rights, the session continued with a series of presentations by esteemed scholars, each addressing different facets of this complex and evolving area of intellectual property law. Dr. Tigist D. Gebrehiwot from Ethiopia delivered an insightful presentation titled "Piracy in the Digital Ecosystem in Africa: The Effects on Sustainable Development Goals." Dr. Jimcall Pfumorodze from the University of Botswana followed with a presentation on "Legal and Ethical Issues on Copyright and Artificial Intelligence in Academic Institutions." Assoc Prof. Caroline Joelle Nwabueze from Nigeria contributed to the session with her presentation titled "AI Technologies and Heritage Safeguarding: A Critical Appraisal of the Relevance of Text and Data

Mining Exception for Research and Development in OAPI States.” Leslie Wellington Sirora from Zimbabwe presented on the topic “Mitigating Copyright Infringement in AI Models with Targeted Machine Unlearning.” Finally, Prof. Samuel Samiáí Andrews from the Kingdom of Saudi Arabia, though focusing on the Nigerian context, presented “Artificial Intelligence and the First Principles of Creative Works: Nigerian Film Industries’ Path.” These presentations collectively enriched the discussion on the implications of frontier technologies for copyright law, offering diverse perspectives from across the African continent and beyond. The insights provided by the speakers underscored the need for continuous dialogue and adaptation of legal frameworks to ensure that copyright law remains effective in the face of rapid technological change. The discussions also touched on the impact of digital technologies on traditional cultural expressions (TCEs) and indigenous knowledge. Participants explored the ways in which digital platforms can be used to preserve and protect TCEs, while also raising concerns about the potential for misappropriation in the digital space.

The final theme of the day focused on copyright was moderated by Mr. Thabang Jase who was joined by Dr. Chijioke Okorie of the University of Pretoria who spoke on Copyright and Related Rights and Dr. Sanya Samtani of the University of the Witwatersrand who presented her research paper titled ‘New frontiers in copyright and human rights: Copyright discrimination’.

## **Day 2: Navigating Intellectual Property**

The second day of the colloquium focused on some of the most vital aspects of intellectual property. This day was marked by rich discussions and presentations that examined the current challenges and opportunities in these areas, particularly in the African context. The morning session opened with a deep dive into the world of patents. Moderated by Assoc Prof. Tobias Schonwetter of UCT, this session brought attention to the unique challenges Africa faces in the development and protection of patents, especially in the era of artificial intelligence. Dr. Fernando Dos Santos, a former Director-General of ARIPO (January 2013 to December 2020) who is currently Special Adviser on Africa from the European Patent Office, amongst other roles, delivered a presentation that highlighted the complexities surrounding the development of Patent Systems in Africa. This was followed by Assoc Prof. Bassem Awad from Western University, who discussed Artificial Intelligence generated inventions and the quest of normative framework for Africa.

Following the discussions on patents, the focus shifted to trademarks and geographical indications (GIs), crucial elements in protecting local identities and products. Prof. Irene Calboli from Texas A&M University moderated this session, which featured several insightful presentations. One of the highlights was Prof. Teshager Dagne’s presentation, where he evaluated geographical indications in Africa and through these presented challenges, opportunities and strategic implementations in a tailored legal framework. He emphasised the importance of GIs in promoting local products and enhancing the competitiveness of African goods in the global market. Prof. Sadulla Karjiker of Stellenbosch University contributed to the conversation by examining the boundaries of GI protection, analysing where the lines should be drawn in ensuring effective and fair protection without stifling competition. Finally, Ms. Nomagugu Hlongwane from the University of South Africa (UNISA) spoke on Trademarks and GIs. This session underscored the critical role of trademarks and GIs

in not only protecting intellectual property but also in fostering sustainable economic development.

In the afternoon, the conference delved into the realm of industrial designs and utility models. Prof. Hezekiel Oira from Mount Kenya University moderated this session, guiding the discussions on the protection of industrial designs and the use of utility models as tools for innovation in Africa. Prof. Stanley Murairwa from Africa University presented a compelling case study on Zimbabwe's progress in protecting innovation through industrial designs. His presentation highlighted the importance of industrial design protection in encouraging creativity and fostering local industries. Ms. Mercy Musukwa provided a contemporary perspective on the challenges faced in enforcing design rights in the digital age, particularly with the rise of digital and virtual designs. Her analysis of the impact of digitalization on design rights enforcement sparked a lively discussion on how African countries can adapt their legal frameworks to keep pace with technological changes.

Dr. Tebogo Lefifi of UCT, guided the theme 8 discussion on the dynamic interplay between intellectual property (IP) rights and competition. Assoc Prof. Desmond Oriakhogba from the University of the Western Cape, initiated the session by focusing on "Intellectual Property Rights and Competition in the Digital Space in Africa." Oriakhogba highlighted the growing significance of digital platforms and the unique challenges they present to traditional IP frameworks. He discussed how digital innovations are reshaping the competitive landscape in Africa and the need for policies that balance IP protection with promoting competition to foster innovation and consumer welfare. Dr. Antony Taubman, followed with a broader overview in his presentation on "IP and Competition: Recent Developments in Africa." Taubman explored how African countries are adapting their IP and competition laws to address the complexities of modern markets, emphasising the importance of coherence between these legal frameworks to enhance economic development. The session concluded with a robust discussion, where participants engaged with the speakers on the challenges and opportunities of aligning IP rights with competition law in Africa.

Theme 9: UN Sustainable Development Goals (UNSDGs) - Climate Change and Environmentally Friendly Technologies. Prof. Amos Saurombe of UNISA led this session, which focused on the critical intersection of IP, climate justice, and the development of green technologies in Africa. Assoc Prof. Bassem Awad, opened with a presentation on "Climate Justice and Green Technology Innovation in Africa." Dr. Anthony Kakooza, presented on "Climate Adaptation Innovation: IP Lessons from Uganda's National Agricultural Research Organization." Kakooza provided a case study on Uganda's efforts to adapt to climate change through agricultural innovations. He explored how IP rights can incentivize the development and dissemination of climate-resilient technologies, drawing lessons from Uganda's National Agricultural Research Organization's initiatives. The session also featured a series of research paper presentations, where scholars from across the globe shared their insights on the nexus between IP and climate change. Dr. Andrew Rens from Research ICT Africa presented on "Climate Change and Intellectual Property: Mapping the Interface," exploring how IP law can be leveraged to address climate change challenges. Mr Télio Murrure discussed "Climate Change and Environmentally Friendly Technologies – Challenges in Addressing Energy Poverty in Mozambique," focusing on the barriers to adopting clean energy technologies in the region. Ms Chanda Mwali examined

"Exploring the Nexus between Intellectual Property and Sustainable Development Goal 7: Clean Energy," highlighting the role of IP in achieving affordable and clean energy in Africa. Prof. Mini Srivastava of Amity Law School Noida, India presented on "Green Technology Solutions for Climate Change Adaptation: Select Case Studies from WIPO Green Initiative," sharing global case studies on the adoption of green technologies facilitated by IP frameworks.

This session underscored the crucial role of intellectual property in addressing global challenges like climate change, and the importance of aligning IP policies with sustainable development goals to ensure that Africa can adapt to and mitigate the impacts of climate change through innovation.

### **Day 3: Traditional Knowledge, Genetic Resources, and the WIPO Treaty**

The third day of the colloquium was dedicated to exploring the protection of traditional knowledge (TK), traditional cultural expressions (TCEs), and genetic resources (GRs), areas of significant importance to many African countries. These topics are not only crucial for the preservation of cultural heritage but also for ensuring that local communities benefit from their resources and knowledge.

Theme 10 delved into the pressing issues surrounding the protection of traditional knowledge (TK), traditional cultural expressions (TCEs), and genetic resources in Africa. The discussions highlighted the complex challenges and ongoing efforts to safeguard these valuable cultural and natural assets through appropriate intellectual property (IP) frameworks. Roshan Khan guided this session. Prof. John Dashaco Tambutoh, opened the session with a presentation on "OAPI Model Laws for the Protection of GRs, TK, and TCEs: Prospects for International Protection." Prof. Hezekiel Oira, presented on "Protection of TK, TCEs & Genetic Resources: Africa's Mirage." Oira critically examined the effectiveness of current legal frameworks in protecting Africa's traditional knowledge and cultural expressions. Following these insightful presentations, the session transitioned into research paper presentations, where scholars from various African countries shared their perspectives on the challenges and opportunities in protecting TK, TCEs, and genetic resources. Mr Laurensius Gebhardt presented on "Assessing and Developing a *Sui-Generis* Model of Intellectual Property on Traditional Knowledge for Indigenous Communities in Namibia." Ms Caroline Wanjiru Muchiri delivered a paper titled "Politics of Knowledge Governance: Reimagining the Contributions of Traditional Knowledge to Trade in Kenya." Muchiri explored the intersection of politics and knowledge governance, emphasizing the potential of traditional knowledge to contribute to Kenya's trade and economy if appropriately recognised and protected. Ms Vitória Nhone presented on "Developing a Legal Framework for the Effective Protection of Traditional Medicine in Mozambique."

Theme 11 was moderated by Assoc Prof. Eddie Hurter from UNISA and the day continued with a focus on the recently adopted WIPO Treaty on Intellectual Property Genetic Resources and its implications for Africa. The discussions opened with Prof. Enyinna Nwauche from the University of Fort Hare, who addressed the African patent regimes and prior disclosure frameworks in the context of the new treaty. This was

followed by an engaging presentation from Prof. Chidi Oguamanam from the University of Ottawa, who played a significant role in the negotiations of the WIPO treaty. He provided an in-depth analysis of the treaty's broader implications for Africa, including its potential to reshape the continent's approach to intellectual property and biodiversity. Prof. Oguamanam also addressed the ongoing debate about whether amending the TRIPS Agreement might have been a more effective route for protecting genetic resources. His presentation sparked a rich dialogue among the participants, emphasizing the treaty's importance for the continent's future.

The session continued with a focus on plant variety protection, an area closely related to the discussion on genetic resources. Prof. Visser spoke on plant variety protection. Dr. Pierrette Essama-Mekongo provided a detailed examination of the Cameroonian and OAPI positions on the new WIPO treaty, discussing how it aligns with existing regional frameworks and what changes might be necessary to enhance plant variety protection in Africa. Her presentation was followed by Joseph Mbihayeimana's insightful analysis of Uganda's plant variety protection system. He provided a nuanced perspective on the legal and practical challenges faced by Uganda in safeguarding its agricultural innovations, particularly in the context of global IP norms.

The session on UN Sustainable Development Goals (UNSDGs) centered on global public health issues, including the COVID-19 pandemic and efforts to diversify vaccine production and other critical technologies. Prof. Coenraad Visser, professor extraordinarius at UNISA, served as the moderator. The session began with a presentation by Roshan Khan, who spoke about the UNSDGs and TRIPS. This was followed by Prof. Lonias Ndlovu of the University of Venda who spoke on "Patent Law and Access to Essential Medicines in South Africa: A Tale of Four Drugs." A series of research paper presentations then took place. Mr Chikosa Banda of the University of Malawi examined "Examining the Potential Utility of Article 31bis (3) of the TRIPS Agreement as a Tool for Vaccine Production in the Southern African Development Community Region." Lastly, Dr. Adekola Tolulope Anthony from Australia presented "Beyond the Binary: Reimagining Intellectual Property for Equitable Healthcare Access in Africa." The session concluded with a discussion that encapsulated the themes and insights shared throughout the presentations.

The session on the African Continental Free Trade Area (AfCFTA) explored the economic, trade policy, and social context for intellectual property (IP) in African countries. Dr. Ntando Sindane from the University of the Western Cape, served as the moderator. Prof. Caroline Ncube, delivered a presentation on "The Economic, Trade Policy, and Social Context for IP in African Countries." Assoc Prof. Yeukai Mupangavanhu from the University of the Western Cape, followed with a talk titled "Intellectual Property Provisions in Trade Agreements: The Bargaining Chip." The session also featured a series of research paper presentations. Prof. Saudin J. Mwakaje from Tanzania presented "Resolution of Intellectual Property Disputes under AfCFTA: The Dilemma and Prospects." Prof. Amos Saurombe from UNISA discussed "The AfCFTA IPR Protocol: An Opportunity for African Countries' Relevance." The session concluded with a discussion that summarised and reflected on the topics covered.

## **Day 4: Innovation, Technology, and the Future of IP in Africa**

The final day of the colloquium was dedicated to exploring the future of intellectual property in Africa, particularly in the context of innovation and technology adaptation. The discussions on this day highlighted the critical role that IP research, education, and capacity building play in driving innovation and economic growth across the continent.

The session on current IP research and teaching methodologies focused on building the capacity of universities to transform ideas into tangible assets. Ms. Roshan Khan moderated the session. Prof. Coenraad Visser, presented on "Building Capacity of Universities to Transform Ideas into Tangible Assets." Following this, Prof. Stanley Murairwa, discussed "Transforming Ideas into Tangible Assets: Building University Capacity through Current IP Research and Teaching Methodologies." The session also featured a series of research paper presentations. Dr. Soad Essam Abueldahab from Egypt addressed "Building Capacity of Universities to Transform Ideas into Tangible Assets." Mr. Benjamin Torlafia from Nigeria spoke on "Leveraging Intellectual Property for University-Driven Innovation in Africa." Ms. Eunice Adu Boahen, a lecturer from Ghana, presented on "Mindset Change: The Role of Intellectual Property Education in Promoting Innovation and Entrepreneurship in Higher Education in Ghana." The session concluded with a discussion that synthesized the insights from the presentations. The final session moderated by Prof Caroline Ncube featured presentations from leading scholars who discussed innovation and technology adaptation in Africa. Prof Chidi Oguamanam and Assoc Prof Tobias Schonwetter co-presented on "Innovation and Technology Adaptation in Africa," drawing from insights of research conducted by researchers and collaborators of the Open African Innovation Research (OpenAIR) network. Several other researcher and collaborators of OpenAIR were at the colloquium including Prof Ncube, Drs Okorie, Rens, Kakooza, dos Santos, Ms Muchiri along with Assoc Profs Oriakhogba, Dagne and Awad. Following Oguamanam and Schonwetter's presentation, Adv. Nandipha Ntsaluba, from the UNISA, gave a presentation on the same theme, titled "Innovation and Technology Adaptation in Africa."

As the colloquium drew to a close, participants reflected on the week's discussions during a study visit organised by UCT and the IP Chair, followed by a dinner at the renowned Gold Restaurant in Cape Town. This final event provided an opportunity for attendees to solidify the connections made during the conference and to look ahead to the future of IP in Africa.

## **The 2<sup>nd</sup> Intellectual Property Scholars Africa Conference 2024**

The day brought together experts to discuss critical issues related to intellectual property and its role in fostering sustainable development across Africa. The event opened with remarks from prominent figures including as Mr. Sherif Saadallah of the WIPO Academy, Dr. Antony Taubman of the WTO, Prof PJohn Dashaco Tambutoh and Dr. Outule Rapuleng from the ARIPO Academy, emphasising the importance of collaboration and innovation in IP frameworks.

The first session focused on copyright tensions, exploring complex issues like the authorship of computer-generated works, the protection of digital heritage, and the

impact of South Africa's copyright amendment bill on universities' research and teaching economies. Chaired by Prof. Tana Pistorius, the session hosted papers on Computer-generated works, authorship and originality from Prof. Coenraad Visser, Big Data and the Dynamic Diffusion of Digital Heritage: Trends of Privacy Protection under Copyright Law in Africa from Assoc Prof. Caroline Joelle Nwabueze and a final paper on The Copyright Amendment Bill: Fairly Promoting South African Universities' Research and Teaching Economy? Presented by Prof. Klaus Beiter from North West University. The panel provoked thoughtful discussion about the balance between innovation and the protection of intellectual rights in a rapidly changing digital landscape.

Parallel sessions followed, addressing climate change challenges and regional and international IP aspects. One session examined how Africa can leverage open-source solutions for climate adaptation. This session was moderated by Dr. Sanya Samtani and included research presentations from Assoc Prof. Desmond Oriakhogba and Dr. Andrew Rens.

The day continued with a session offering Global South perspectives, where speakers including Dr. Latika Choudhary, Dr. Hardik Daga, Dr. Pierrette Essama-Mekongo, Assoc Prof. Yeukai Mupangavanhu and Mr Chikosa Banda discussed post-pandemic challenges in vaccine patents, combatting counterfeit goods, and promoting sustainable development through intellectual property strategies like geographic indications. The session highlighted the importance of IP in advancing broader development goals and ensuring access to essential innovations like medicines.

The event concluded with a plenary panel chaired by Dr. Chijioke Okorie that looked ahead, focusing on the future of IP in Africa. The discussion covered topics from artificial intelligence to access to traditional knowledge, providing a comprehensive look at the ways IP law can support development. Panellists included Prof. Chidi Oguamanam, Dr. Fernando dos Santos, Dr. Tebogo Lefifi and Assoc Prof. Teshager Dagne.

The day ended with recommendations for steering the growth of IP education in Africa by Mr. Victor Owade, Ms. Martha Chikowore, Ms. Roshan Khan and Mr. Thabang Jase. Prof. Caroline Ncube gave the final vote of thanks, and the event concluded with a closing function where participants reflected on the insights shared throughout the event.

### **Conclusion: A Beacon of Progress in Intellectual Property**

The WIPO-WTO Colloquium and IPSA Conference was more than just a gathering of IP professionals; it was a beacon of progress for Africa's IP landscape. The themes explored, the research presented, and the discussions held during the conference underscored the continent's commitment to advancing IP education, innovation, and protection. As Africa continues to grapple with the challenges of the digital age, conferences like this serve as vital platforms for collaboration, knowledge exchange, and the development of strategies that will shape the future of IP in Africa.



The energy, engagement, and enthusiasm witnessed over the five days of the colloquium and IPISA conference leave no doubt that Africa is on the right path. With continued dedication to IP education and innovation, the continent is poised to make significant strides in the global IP arena.