

African Intellectual Property

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In an article published on 2 May 2013 in the Gulf News, Mr. Hamad Buamim, the Director General of Dubai Chamber of Commerce & Industry was quoted as saying during the Africa Global Business Forum 2013 that:

“Over the past decade, Dubai’s non-oil trade with Africa increased by 700 per cent from Dh10.6 billion in 2002 to Dh84.8 billion by 2011...”

Mr. Hamad Buamim was further quote in this same article as saying that “Over the next few years Dubai Chamber will target Africa to encourage more trade and investment flows...”

Trade between Africa and Dubai, (and arguably the wider Middle Eastern region) appears to have increased significantly over the past number of years and as highlighted by the statement by Mr Hamad Buamin, should be expected to continue to do so. Given the potential importance of African markets to local and regional companies, the importance of the proper protection of valuable trade marks cannot be overstated.

The African Intellectual Property Organization, widely known by its French acronym as “OAPI” was created by The Bangui Agreement of 2 March 1977 to promote:

- Economic and social development;
- Harmonization of laws affecting inventiveness; and
- Cooperation among the member states.

OAPI provides for a centralized intellectual property registration system extending the protection of a single OAPI trade mark registration to all member state. Until recently, the member states were:

Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Ivory Coast, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo.

OAPI is responsible for implementing and applying common administrative procedures, contributing towards the promotion of literary and artistic expression and protecting intellectual property rights, encouraging copyright bodies in member states and centralizing and coordinating information of all kinds relating to the protection of patents, trade marks, literary and artistic properties.

OAPI operates under a common system of protection of intellectual property, which is characterized by uniform legislation applicable in each member state and by centralizing procedures at the Organization. The Bangui Agreement enables an intellectual property owner to have his/her intellectual property rights protected in all member states through a single application before the OAPI administrative body, which is considered as a national filing for each member state. The Bangui Agreement now governs:

- Patents
- Utility Models
- Trade Marks and Service Marks
- Industrial Designs
- Trade Names
- Geographical Indications

- Layout Designs of Integrated Circuits
- New Plant Varieties
- Literary and Artistic Works

As per the Bangui Agreement an OAPI member country cannot accept new national applications to register the above rights as these should be protected in terms of the centralized system of OAPI.

On 25 May 2013 the Union of the Comoros became a full member of OAPI, meaning with respect to trade marks for example that a trade mark application filed with OAPI from this date onwards will extend protection of that trade mark to the Union of the Comoros. The protection of trade marks that were registered with OAPI prior to 25 May 2013 will extend to the Union of the Comoros automatically upon their renewal and where such extension is desired prior to renewal, there is an extension process that can be followed to do so.

For any assistance in respect of registration of intellectual property rights in the member states of OAPI, please contact Mohammed Ali at m.ali@tamimi.com.