

## EDITORS

**Antony Taubman, Martha Chikowore, Wolf R. Meier-Ewert, Tana Pistorius, Sheila Mavis SM. Nyatlo and Bassam Peter Khazin. Copy editors: Nishant Anurag.**

## EDITORIAL BOARD

**Mr Frederick M. Abbott**

Professor  
College of Law  
Florida State University  
United States of America

**Mr Daniel J. Gervais**

Professor  
FedEx Research Professor of Law  
Co-Director of Vanderbilt Intellectual Property  
Programme  
Vanderbilt Law School  
United States of America

**Ms Irene Calboli**

Professor of Intellectual Property Law  
Visiting Professor  
Division of Business Law, Nanyang Business School  
Nanyang Technological University  
Singapore

**Ms Tana Pistorius**

Professor of Intellectual Property Law  
Department of Mercantile Law  
University of South Africa  
South Africa

**Mr Sami Rezgui**

Professor of Economics  
Tunis Higher School of Commerce  
University of La Manouba Tunisia

**Mr Mor Bakhom**

Teacher-Researcher  
Université Virtuelle du Sénégal – UVS  
Senegal

**Mr Antony Taubman**

Director  
Intellectual Property, Government Procurement and  
Competition Division  
World Trade Organization  
Switzerland

**Mr Sherif Saadallah**

Executive Director  
WIPO Academy  
World Intellectual Property Organization  
Switzerland

**Mr Wolf R. Meier-Ewert**

Counsellor  
Intellectual Property, Government Procurement and  
Competition Division  
World Trade Organization  
Switzerland

**Mr Joseph Bradley**

Head, Academic Institutions Programme  
WIPO Academy  
World Intellectual Property Organization  
Switzerland

**Ms Martha Chikowore**

Counsellor  
WIPO Academy  
World Intellectual Property Organization  
Switzerland

## PREFACE

This African edition of the *WIPO-WTO Colloquium Papers* marks a new avenue for what has been an invaluable programme of collaboration between the WIPO and the WTO. Intellectual property (IP) scholarship across the African continent has shown impressive growth and range over recent years, and close engagement with the cultural and social realities, and the development challenges, of African communities. We are delighted to put a collection of this remarkable work before an international readership through this special edition, an array of scholarship which exemplifies this trend and demonstrates both the high quality of work and scholars' close engagement with today's legal and policy challenges.

Seemingly ubiquitous in contemporary life, the IP system – together with the many areas of public policy it has bearing on – has undergone an unprecedented phase of globalization and institutionalization within international frameworks. Yet these international developments have only underscored the need for domestic and regional policymakers to adapt and apply the broad principles of IP in balanced and effective ways that promote economic and social development and correspond to the diverse needs and circumstances of individual countries. In turn, as countries address these policy challenges in different ways, these practical experiences offer insights to others grappling with similar challenges elsewhere, that in turn can underpin regional dialogue and cooperation. African nations have displayed increasing dynamism and diversity in the ways they have sought to reform their IP regimes as a means for economic and social development, and better understanding of these trends can illuminate potential ways ahead for cooperation, coordination and mutual learning between like-minded countries.

Today's scholars therefore make an indispensable contribution in analysing these trends, mapping out the specific challenges that confront African nations, and proposing solutions that are better tailored to the reality of diverse social, economic and developmental contexts across the African continent. Accordingly, the authors collected in this volume tackle issues of immediate concern: development through enhanced technology transfer, the recognition of indigenous knowledge systems and traditional cultural expressions, value addition for traditional agricultural and craft products through geographical indication protection, responding to and developing appropriate IP provisions in trade agreements, addressing obstacles to access to medicines and other medical technologies, establishing a balanced and workable approach to the digital economy, and probing the potential of relatively under-utilised forms of IP such as industrial designs and utility models.

These papers had their genesis, and a peer-review dialogue, at the African regional version of the WIPO-WTO Colloquia for academics working in IP law and policy. Jointly convened by our two organisations since 2004, the colloquium series provides a forum for building national expertise and self-sustaining policy know-how, while building networks and collaboration between scholars in developing countries, which in turn bolsters capacity to analyse complex legal and policy issues confronting the domain of IP today. The WIPO-WTO Colloquia are now an invaluable part of the overall strategy to build sustainable IP teaching and research capacity in in developing countries and least developed countries. Both WIPO and the WTO aim to empower these countries to use their IP systems ever more effectively as a tool for economic and social development, while simultaneously promoting international and regional cooperation and collaboration. Hence, our two organizations are responding to the growing demand to strengthen the distinct legal and policy expertise available in individual countries, while scholars and teachers have concurrently recognized the value of dialogue, the pooling of ideas and the sharing of experiences from different countries around the world.

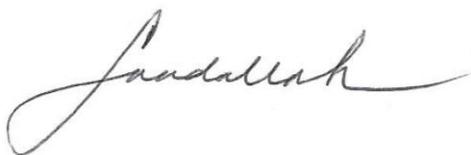
To promote such mutual learning and exchange of ideas, the WIPO-WTO Colloquium has, over the years, brought together an impressive array of scholars from across the globe, and has forged an alumni network that serves to maintain this dialogue and collaboration beyond the formal bounds of the colloquium programme itself. The colloquia have evolved as a clearing house of new ideas, new critical approaches and cutting-edge scholarship, with a unique focus on the developing world. In order to harvest the fruit of this scholarship, and to ensure the sustained impact and greater dissemination of this knowledge, the initiative to publish colloquium participants' papers in an edited, peer-reviewed academic journal, titled the *WIPO WTO Colloquium Papers* was taken in 2010. The *Papers* are published, under the guidance of an editorial board comprising senior international scholars and officials. The six editions of the *Papers* have confirmed the publication's status as an academic journal with a unique focus on emerging policy and legal issues within a wide range of jurisdictions across developing countries.

The WIPO-WTO Colloquium for Africa provided IP academics in the region with a greater understanding of current international developments in IP law and policy, particularly relevant to the Africa context. It also promoted cutting edge

Africa-focused research; and served as a forum to strengthen collaborative networks and academic exchanges across the African region.

All of us who have participated in the colloquium programme have benefited from the hard work and dedication of many colleagues within WIPO and the WTO Secretariat – notably, the WIPO Academy and the WTO's Intellectual Property, Government Procurement & Competition Division, with the invaluable support of the WTO's Institute of Training and Technical Cooperation (ITTC). All have contributed valuably to the design and delivery of this programme, and their spirit of collegiality makes this not only a demanding programme, but also a pleasurable one.

We owe a particular debt of gratitude to the Editorial Board and the editors of this African edition of the *WIPO-WTO Colloquium Papers*, as they have been indispensable in ensuring that the *Papers* can be used as a trusted, academically sound and readable source of cutting-edge IP scholarship from an impressive group of emerging scholars representing a variety of developing countries. They have also served to fulfil the intended contribution of the *Colloquium Papers* initiative towards the capacity building goals of the WIPO Academy and WTO's ITTC, by guiding emerging scholars, where needed, in sculpting their academic writing skills through a participative and interactive dialogue, thus enhancing the potential to add even more diverse perspectives to policy debates in a sustained and credible way. Finally, we record our deep appreciation for the contributions made by individual scholars to this edition of the *Papers*, and its preceding volumes, which we have come to know and respect for their contributions to policy and legal scholarship. We are sure that this active, informed and thoughtful participation in many of the key public policy debates of today will continue, thus exemplifying the important public service role performed by the scholarly community today.



**Mr Sherif Saadallah**  
**Executive Director,**  
**WIPO Academy**  
**World Intellectual Property Organization**



**Antony Taubman**  
**Director**  
**Intellectual Property, Government Procurement and**  
**Competition Division**  
**World Trade Organization**

## **ACKNOWLEDGEMENTS**

We thank the staff of the WIPO Academy and the WTO Intellectual Property, Government Procurement and Competition Division for their strong support for the project; and in particular to Martha Chikowore and Wolf R. Meier-Ewert for their work in organizing the WIPO-WTO Colloquium for Africa and coordinating this publication. Thanks are extended to Tana Pistorius, and her team of editors, Mavis Nyatlo and Dr Tigist Gebrehiwot, Bassam Peter Khazin and Nishant Anurag for the editorial work. Sherif Sadallah and Antony Taubman played a key role in the conception and development of the initiative for the regional session of the WIPO-WTO Colloquium, and Antony Taubman undertook extensive editorial review of the publication. We extend strong appreciation to all for their contributions, and to the many other colleagues not mentioned here, who have done so much to make the Colloquium initiative a success.



# WIPO-WTO COLLOQUIUM FOR IP TEACHERS AND SCHOLARS IN AFRICA

## Class of 2018



© WIPO/ WTO 2018

Participants of the WIPO-WTO Colloquium for Teachers of IP Teachers and Scholars in Africa (2018) together with Mr. Antony Taubman, Director, WTO Intellectual Property, Government Procurement and Competition Division (IPD) (left-front); Dr. Yonah Seleti, Chief Director, Science Missions in South Africa's Department of Science and Technology, Pretoria (left-front); Mr. Joseph Bradley, Head, Academic Institutes Program, WIPO Academy (second row-left); Ms. Martha Chikowore, Counsellor, WIPO Academy (front-centre); Professor Irene Calboli, Texas A&M University School of Law and Visiting Professor, Singapore Management University School of Law (front-right); Ms. Florencia Beati Venturini, University of San Andres, Buenos Aires (second row-right); Professor Tana Pistorius, South African Research Chair: Law, Society and Technology, University of South Africa (UNISA), Pretoria; Mr. Wolf Meier-Ewert, Counsellor, IPD, WTO (third row-left); and Mr. Fernando dos Santos, Director General, African Regional Intellectual Property Organization (ARIPO), Harare (third row-centre).