

# INTELLECT FIRST

A NEWSLETTER BY  
JACKSON, ETTI & EDU



Jackson, Etti & Edu

[www.jee.africa](http://www.jee.africa) | [jee@jee.africa](mailto:jee@jee.africa)



Jackson, Etti & Edu



# JEE in the Headlines

## Our milestones:

- ◆ We were voted firm of the year in Nigeria at the Managing IP Awards 2021.
- ◆ Managing IP Recognised JEE as a Top Tier Law Firm in its 2021 Global Ranking
- ◆ Our partner, Chinyere Okorocha has been consistently recognized amongst the Top [250 Women in Intellectual Property 2019 & 2020 & 2021](#), by Managing Intellectual Property.
- ◆ Uwa Ohiku, Chinyere Okorocha, Obafemi Agaba, Ngozi Aderibigbe and Chinwe Ogban were ranked IP Stars in the 2020/21 edition of Managing Intellectual Property's IP Stars. The highest number of Lawyers ranked from a Nigerian firm.
- ◆ Our partner, Obafemi Agaba has been appointed as the Chair, Middle East, Africa and South Asia Legislation and Regulation Subcommittee for INTA 2022 – 2023.
- ◆ Our Senior Associate, Tolu Olaloye has been appointed as the Chair, Middle East, Africa and South Asia, Unreal Campaign INTA Sub-Committee.
- ◆ JEE was shortlisted as a finalist law firm with expertise in the Telecommunication & Technology, Immigration, Mergers & Acquisition, Labour & Employment, Intellectual property, Large Practice, Media and Entertainment, Dispute Resolution, Insolvency, Banking & Finance & Private Equity by ESQ Nigerian Legal Award, and JEE effortlessly won the award for Intellectual property and clinched the coveted award for Mergers and Acquisition Team of the Year.
- ◆ Our Senior Associate, Tolu Olaloye was awarded the 40 under 40 Award by the ESQ Legal Award in the Rising Stars Category of the Nigerian Legal Awards 2021.

## Chambers & Partners 2022 Global Guide Ranking

Ranked Practices	Ranking	Ranked Lawyers	Ranking
Intellectual Property	Band 1	Uwa Ohiku	Band 1
		Chinyere Okorochoa	Band 1
		Obafemi Agaba	Band 2
		Ngozi Aderibigbe	Band 3
Corporate Commercial	Band 3	Uwa Ohiku	Band 4
		Chinyere Okorochoa	Band 3
Banking & Finance	Band 3	Obafemi Agaba	Band 4
Dispute Resolution	Band 4	Yusuf Asamah Kadiri (SAN)	Band 4

# A Brief Recap on our 25th Anniversary



A FULL SERVICE LAW FIRM WITH A SECTOR FOCUS

The Firm marked its 25th anniversary with a series of events. The major highlight of the celebration included the JEE 25th Anniversary staff picnic by the beach, as well as a separate dinner to appreciate its clients, for their support and patronage over the years. It is interesting to note that Jackson, Etti & Edu has recently changed its domain name to "jee.africa". This represents the firm's expertise and commitment to providing bespoke solutions to its clients and associates in the African continent and across the globe.



# LAGOS STATE INTRODUCES DATA PROTECTION BILL – SHOULD BUSINESSES WORRY?

## **Introduction**

On the 25th of October 2021, the Lagos state Data Protection Bill (“LDPB” “Bill”) passed the second reading at the Lagos State House of Assembly. The aim of the Bill is to set out standards, rules, and salient overarching principles for the processing of personal data within the state. It is also expected that the Bill will attract additional revenue into Lagos state as it proposes a registration fee for data controllers and data processors that process data within the state.

The LDPB is inspired by the Nigeria Data Protection Regulation (NDPR) 2019, the country's main data protection instrument, which regulates all organisations handling personal data of Nigerians and persons residing in Nigeria. Additionally, the LDPB is the first Bill of its kind at the state level in Nigeria. It has the potential to alter how data is collected, stored, and managed by businesses in the country. This article will highlight several significant provisions of the Bill. We will discuss the Bill's relationship to the NDPR, as well as potential implementation challenges that may arise if the Bill is enacted in its current form.

## Some Notable Provisions of the Bill

**1. Scope of Application:** Section 2 of the LDPB provides that the Bill would apply to the processing of personal data by automated or non-automated means recorded by or on behalf of a data controller domiciled in Lagos. In addition to being physically domiciled in Lagos, a data controller is deemed to be domiciled in Lagos State where the controller 'carries out' data processing activities in Lagos state through its branch or office within the state. We note that the Bill contains no definition for the term 'carries out.' In light of previous court decisions interpreting the term "carries out," it is our submission that the data processing activity must be continuous within the State and not a one-time event.

Additionally, where the data controller is not domiciled in Lagos, the Bill provides that a data processing activity would still be caught within its scope of application if the data is collected via automated or non-automated means in Lagos state, unless those means are only used to forward personal data through the State. The relevant data controller is mandated to appoint a representative within the state. Whilst non-automated is not defined in the Bill, it is very likely that this refers to manually collected data. In which case, they come within the scope of the Bill where they form or intend to form part of a filing system.

**Implication:** One profound implication of this section is that Data Controllers domiciled in Lagos are accountable for data processing activities carried out both inside and outside Lagos State. They would therefore be bound by the provisions of the proposed law with respect to data collected and/or processed by them.

Further, Data Controllers not domiciled in Lagos, who continuously process data within Lagos through a branch, office or agency would be deemed domiciled in Lagos and as such, their data processing activities would also be caught within the scope of the proposed law.

The provision seems to neglect or play blind eye to the principles of 'Data Localisation'. This is so because the arguments for data localisation insist that data about a nation's or state's citizen or resident should remain with that nation or state. Thus, if a European or Lagosian's data is automatically collected in Abuja, the argument would insist that only the country in EU or the State in Lagos, should have control over the rules and regulation of such data, and not Abuja.

**2. The Commission:** The Bill provides for the establishment of the Lagos State Data Protection Commission which will be responsible for ensuring that personal data is collected, held, or processed in a manner that does not infringe on the privacy of a data subject. The Commission will maintain a register of all data controllers and data processors and ensure compliance with the provisions of the Bill.

The Commission would also have powers to investigate perceived infractions and towards this end, request the assistance of other enforcement agencies, or altogether delegate these powers to the enforcement agencies. Where upon an investigation, the Commission believes that an entity has breached the provisions of the Bill, the Commission will refer to the Police for prosecution.

**Implication:** The proposed Commission would be conferred with extensive powers to obtain any type of information from Data Controllers and Processors.





Additionally, the Commission would have powers to receive complaints and carry out necessary investigations with respect to such complaints. The Commission would also exercise wide discretion to issue enforcement notices where it is of the view that a Data Controller or Data Processor has or is about to contravene the law. Whilst this may be useful in increasing compliance, if unchecked, it may become a source of arbitrary administrative actions which could negatively affect stakeholders. These discretionary powers are not currently exercised by NITDA in enforcing the NDPR. Legislators also need to consider possible clash of power between the commission and the National Information Technology Agency.

- 3. Data Collection:** Like the NDPR, the proposed law mandates the Data Controller to only collect data which is necessary towards a lawful purpose which relates to a function or activity of the data controller. Where data is collected personally from the data subject, the Data Controller is obligated to, among other things, inform the Data Subject that the data is being collected, the purpose for which it is collected, the recipient of the data as well as the name and address of the data controller.

Interestingly, unlike the NDPR, the Bill

introduces novel exceptions to the above obligations. The Data controller is not required to comply with the above obligations where the data collection is a second collection occurring within 12 months of the first collection and which purpose is not materially different from that of the first collection. Also, where the data will be used in a form which the data subject is not reasonably expected to be able to identify; as well as where compliance is not practicable at the point of collection (in which case the data controller will make the required information available to the data subject as soon as practicable).

**Implications:** By extending the validity of consent to collect data to 12 months, the proposed law seeks to create a proper balance between the Data subject's need to know and consent to the collection of his data on the one hand, and the Data Controller or Processor's need to collect necessary data seamlessly without the need to incur any additional cost on receiving multiple consents from the same subject over a short period of time. This eases the regulatory burden on the Data Processor or Controller whilst insulating the data subject from constant badgering for consent.

- 4. Data Transfer:** Data Controllers cannot transfer data outside of Lagos without the express written authorisation of the Commission unless such transfer is done with the consent of the data subject, or the data transfer is necessary in line with the relevant provisions of the proposed law.

**Implications:** Entities with branch offices outside of Lagos State would be unable to freely transfer personal data to said branches without the consent of the data subject or the authorisation of the Commission where consent is not obtained from the data subject, or the data transfer is not deemed "necessary".



Whilst the above may bring about an added layer of protection of data subjects' personal data, the attempt to localise data within Lagos state may negatively impact entities with branches outside of Lagos State, as it may disrupt the free flow of crucial business information within organisations. Beyond this, it is left to be seen whether the Commission would be able to put an adequate mechanism in place to monitor such data transfer and enforce compliance.

The difficulty of enforcing this provision is further exacerbated by the remote working system employed by most companies in the aftermath of the Covid-19 outbreak. This provision can make it cumbersome for companies domiciled in Lagos with staff working remotely in other states to effortlessly transfer personal data needed for the operation of the company.

### **CHALLENGES THAT MAY ARISE FROM THE BILL – SHOULD BUSINESSES BE WORRIED?**

Firstly, if the Bill is passed into law, there are fears that there would be a multiplicity of regulations and regulatory agencies. Since the NDPR and the ongoing NDPR Bill is enforced by NITDA - a commission formed by an Act of the National Assembly for the Federation, there are concerns as to which regulatory agency would filing be made to. The constitution, itself appears unclear as to whether the Federal or State Assembly would have the power to regulate data, since data per se, is not in the exclusive list. The repercussion therefore is that both the Federal and the State House of Assembly can legislate on the matter. Given the position, it is a matter of corporate governance or good governance that there should be some synchronisation between the Federal and State Government so as not to frustrate entities which carry on business in Lagos, with multiple regulations,

extra costs, and bottlenecks.

There is a global debate about localisation of data for each country. Some have argued that such a localisation regulation would kill globalisation, businesses, technology, and its benefits in an era of the internet of things. Subsequently, development will be threatened. Here, should the Lagos State Assembly proceed to pass this Bill into law, any transfer of data beyond Lagos without written authorisation, would be considered a breach; thus, introducing intra-division of data-usage amongst an already complex global system of localisation.

Furthermore, unlike the NDPR which focuses on non-compliance before sanction, the Lagos Bill introduces an immediate sanction upon failure to register with the Commission within the stipulated time. The omission of DPCOs in the Bill leaves all the process and policing to Lagos State Government. It is not certain if the state government is able to attend to the host of businesses operating in the state.

### **RECOMMENDATIONS**

We recommend that the provision on registration of Data controllers or processors and payment of application fee should be removed from the Bill, if the Bill must come to law.

Lagos State could collaborate with NITDA to avoid overreaching consequences to Data Controllers who may be caught between compliance with the NDPR and the Lagos State Bill.

Additionally, we urge that the Bill be amended to include a specified audit period and to recognize the role of NITDA-Licensed DPCOs in conducting these audits on the Commission's behalf. Perhaps, the Bill could give special consideration to Data Controllers and Processors that have carried out data audits in compliance with the NDPR. They could submit the same audit reports to the Commission to prevent duplication of efforts.

# Intellectual Property Updates in Nigeria.

## INDUSTRIAL PROPERTY JOURNAL UPDATES

The Patent and Designs Registry published two additional journals: Vol 3. No. 1 of 29th December 2021 and Vol 4. No. 1 of 30th December 2021. The journal has been available for sale from 1st February 2022.

### The Patents And Designs (Repeal And Re-Enactment) Bill 2021

In April 2021, the House of Representatives introduced the Patents and Designs (Repeal and Re-Enactment) Bill (the "PD Bill") 2021, which seeks to overhaul the Patents and Designs Act 1971 that currently governs the protection of Patent and Design rights, albeit inadequately.

The Bill seeks to introduce and protect new aspects of patents rights that do not exist in the current Act. A major right to be introduced by the Bill is the Utility Model ("UM") Patent. Utility Model Patents are granted to simple or lesser inventions (These types of inventions are developed by making small upgrades on already existing inventions protected by Patent). Protection for utility models is available in countries such as Austria, China, France, Germany, Japan, Russia, Spain and Taiwan.

Under the PD Bill, an invention can be protected as a utility model where the invention is new and industrially applicable. UM's do not require an inventive step unlike inventions protected by Patent. UM certificates can be applied for in the same fields of patentable subject matter. Additionally, UM certificates are valid for seven years and non-renewable.

We believe that if the Bill is passed as an Act, the introduction of UM's will provide an avenue through which modifications on an existing invention can be protected. Additionally, it will prove useful for SME's and local inventors that seek to register improvements to existing inventions.

## PLANT VARIETY PROTECTION

In May 2021, President Muhammadu Buhari assented to the Plant Variety Protection (PVP) Act 2021, which grants exclusive intellectual property rights to plant breeders over new plant varieties ("Plant Breeders Rights") in Nigeria.

### Some key highlights of the Act:

- ◆ The establishment of a Plant Variety Protection Office: The Office would facilitate the transfer and licensing of plant breeders' rights, collaborate with local and international bodies whose functions relate to plant breeders' rights, and perform other necessary functions.
- ◆ Priority claim: The Act recognises the right of priority for a maximum of 12 months to any breeder who has duly filed an application for the protection of a plant variety with one of the members of an international organisation dealing with plant breeders' rights to which Nigeria is a party.
- ◆ Duration: A plant breeder's right expires 20 years from the date of grant, except for trees and vines whose breeder's right shall expire 25 years after the date of grant.

## NIGERIA'S EFFORT ON IP COMMERCIALISATION

In December 2021, The Federal Government of Nigeria signed a Memorandum of Understanding (MoU) with the UK-based Developing Africa Group to create Africa's first Intellectual Property Rights (IPR) commercialization project in Nigeria. This was made known by the Minister of Industry, Trade and Investment at the signing ceremony held in Abuja.

According to [News Sources](#), the Minister explained that the pilot project is designed to place international IPR into some of the key challenges in Nigeria as the project will take advantage of technology. The project would enable a series of other tech-based projects in Nigeria and assist the Nigerian Trademark registry in the effective administration and enforcement of trademark rights in Nigeria.

The project is also crucial to the promotion of trade and economic development in Nigeria – one of the strong regional hubs of trade in Africa, being the continent's biggest economy.

We believe that the successful implementation of an IP Commercialisation project in Nigeria will attract foreign direct investment, reduce the rate of product counterfeiting, and encourage brand expansion aided by various IP commercialization models.

### GEOGRAPHICAL INDICATION FRAMEWORK IN NIGERIA

The Intellectual Property Rights and Innovation Project in Africa (AfrIPI), in partnership with the Africa International Trade and Commerce Research (AITCR) and the IP First Group, hosted The National Conference on Creating Legal and Institutional Frameworks for Geographical Indications (G.I) on the 17th and 18th of February 2022.

During the conference, Solomon Gowon, an International Expert on Intellectual Property, discussed the legal options to consider while introducing Geographical Indications. He also analysed the key items of the draft Law and Regulation on Geographical Indications, as well as the working plan of same in Nigeria.





Dr Bethel Ihugba (Senior Research Fellow, Nigerian Institute of Legislative and Democratic Studies) spoke on the importance of government intervention in the creation of G.I Law. He stated that Geographical Indication Law is a work in progress and that the government should be at the forefront of matters relating to registration of G.I. He further noted that local governments should assist to identify the available geographical locations in their locality and ensure registration.

Mrs Tolu Olaloye (representing the IP First Group, Senior Associate, Jackson Etti and Edu) spoke at length on the European Union (EU) best practices that should be adopted and those already adopted in the draft framework. While speaking on this, she particularly noted that non-registration of generic names, objection/opposition to registration of G.I are part of the good practices that have been adopted under the draft law.

Nigeria is home to a variety of indigenous (agricultural) products and to date, Nigeria does not have a framework to protect these products as those that originate from different regions within the Nation. The essence of the conference was to discuss the prospective legal framework for the protection of geographical indications in Nigeria, bearing in mind the interests of stakeholders, as well as international best practices that may be adopted to ensure that the law indeed protects the interests of all stakeholders involved.

### **AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA)**

On 1 January 2021, Africa officially started trading under the African Continental Free Trade Area (AfCFTA) Agreement. As of February, 54 of the 55 African Union Member States have signed on.

36 countries (including 19 African least developed countries, or LDCs) have deposited

their instruments of ratification, confirming them as State Parties to the Agreement. The Protocols on Trade in Goods, Trade in Services, and Dispute Settlement entered into force concurrently with the AfCFTA Agreement. However, the Protocols on Investment, Intellectual Property Rights (IPRs) and Competition Policy are yet to come into force. It was initially hoped that negotiations would be completed by January 2021, but due to the COVID-19 pandemic, the timeline has been delayed.

### **What will be the benefit of AfCFTA protocol on IPR?**

We are convinced that the AfCFTA's IPR Protocol will provide the African Union with the opportunity to develop a unique protocol focusing on issues peculiar to the protection of intellectual property rights in African countries. Particularly in terms of geographical indications protection. Furthermore, it would boost foreign direct investment and facilitate technology transfer.



# Data Protection

## **NIGERIA FEDERAL GOVERNMENT ESTABLISHES THE NIGERIA DATA PROTECTION BUREAU**

On 4 February 2022, the Federal Government of Nigeria, through the Ministry of Communication and Digital Economy, announced the establishment of the Nigeria Data Protection Bureau (NDPB). The Bureau is saddled with the responsibility of consolidating the gains of the Nigeria Data Protection Regulation (NDPR) issued in 2019 by the National Information Technology Development Agency (NITDA), and supporting the development of primary legislation for data protection and data privacy.

Mr. Vincent Olatunji, a director at the e-Government Development and Regulation department at NITDA, has consequently been appointed the Commissioner/Chief Executive Officer of the Bureau. This appointment was made known by a spokesperson of the Minister, Uwa Suleiman.

### **Why is this important?**

The NDPB was established to serve as a supervisory authority on data protection and privacy in Nigeria in line with global best practices. The Bureau is to play a lead role in the drafting of a primary legislation for data protection and privacy.

## **COMMEMORATION OF NIGERIA DATA PRIVACY WEEK.**

The National Information Technology Development Agency (NITDA) championed the celebration of the Nigeria Data Privacy Week between the 24th of January to the 28th of January 2022. As part of its strategies to strengthen Data Privacy Protection, the Federal Government unveiled plans to issue new codes of conduct for Data Protection Compliance Organizations (DPCOs) in Nigeria. The Director General of NITDA stated that this is a measure to monitor the DPCOs and Data Controllers closely. The Director also revealed the intention to establish a national certification body on NDPR in order

to build the requisite indigenous capability for driving the sector and also save Nigerians the huge amount of foreign exchange being paid for foreign certifications.

Meanwhile, Jackson, Etti & Edu ran a social media campaign during the data privacy week to drive awareness on data privacy and compliance with the extant privacy laws. The celebration of the National Data Privacy Week is significant as it served as a medium for NITDA to improve public awareness on data protection in Nigeria. This is due to the fact that a percentage of the population of the country are unaware of the far-reaching implications of the NDPR. Additionally, data privacy awareness has become of paramount importance as Nigeria's digital economy is fast-growing.

## **ANNUAL DATA PROTECTION AUDIT**

### **NITDA NDPR Compliant Companies List**

**2021:** The National Information Technology Development Agency (NITDA) has released an annual list of NDPR-compliant companies for the year 2021. You can click this link to access the list <https://nitda.gov.ng/official-ndpr-audit-list-2021>

**NDPR Audit Compliant Mark:** The Agency has also approved that all entities on the list have the privilege of placing an NDPR Audit Compliant Mark on any medium of their choosing. Companies are advised to take advantage of using the Compliance Mark as it serves as proof of their dedication to protecting the rights of all their data subjects. This mark expires by 30th June 2022.



### **NITDA extends submission period for 2022**

**Audit compliance report:** Organizations yet to comply with 2022 data audit requirement can breathe a sigh of relief as the NITDA has extended the deadline for submission of the annual data audit report from the 31st of March to 30th June 2022.

# Intellectual Property Updates across Africa



## MADRID PROTOCOL/ INTERNATIONAL REGISTRATIONS & OAPI

### Madrid Protocol

OAPI as a regional body signed the Madrid Protocol which (in principle), binds all member states under the Bangui Agreement. The validity and enforceability of International Registrations designating OAPI via WIPO's Madrid system are now formally recognized in the Bangui Agreement. [Annex III, Article 25].

However, this needs to be approached with caution, as not all OAPI member states have ratified OAPI's accession to the Madrid Protocol yet. Whilst it is understood that the OAPI Secretariat acted within its mandate empowered by Bangui Agreement and whose actions binds ALL member states, the individual countries still need to "fill out their paper-work" by ratifying and endorsing this accession. This means that sovereignty under OAPI is not essentially weakened by the Bangui accord.

It is advised that applicants secure "national" trademark registrations in OAPI, i.e. just file through the normal OAPI registration not through Madrid, until such a time as it is confirmed that ALL member states have endorsed this development through ratification.

### Revised Bangui Agreement

The Bangui Agreement establishing OAPI was revised around 2020 and substantives, as well as procedural changes, are being implemented

gradually. On 2 January 2022, Annexes III, IV and V, were adopted to revise the practice of trademarks, geographical indications, and industrial designs. Changes for patents were originally supposed to start in 2022 as well but are yet to be formally adopted and may be affected in 2023.

### Summary of changes:

- ◆ The definition of a 'trademark' is expanded to now also include "non-traditional" marks like sound marks and audio-visual marks [Annex III, Article 2(c) and (d)].
- ◆ Certification marks are now registrable in OAPI [Annex III, Article 2(3) and Section III].
- ◆ Multi-class trademark applications can now include both goods and service classes [Annex III, Article 10].
- ◆ Trademarks will now be published for a 3-month opposition period after examination (although examination is still on formalities and absolute grounds).

**NB:** *In OAPI, after the grant of a registration, a mark will be published again to notify third parties of the grant of rights, while not allowing for oppositions to be filed post-grant. Essentially, publication is now before and after registration. [Annex III, Article 14-15 and Article 21].*

- ◆ It is now possible to divide multi-class applications, for instance, to overcome a provisional refusal where a mark was refused in only some of the classes — to divide the application and allow the mark to proceed to registration in the other classes where no objections were raised [Annex III, Article 17]. This will be a welcome development for clients.



- ◆ Common law rights in trademarks are now formally recognized in OAPI, and a third party is entitled to file a so-called 'claim of ownership objection' during the opposition period on the basis of prior use made of a mark. If the opposition succeeds on this basis, the Registry will assign the trademark application to the successful claimant [Annex III, Article 16].
- ◆ 5-year prescription term for trademark infringement actions [Annex III, Article 56].
- ◆ We can now offer "customs/border services" for clients - Counterfeit products can be detained by customs authorities on the basis of an OAPI trademark registration. Trademark owners can launch criminal or civil proceedings within 10 days from the detention or seizure of suspected counterfeit products [Annex III, Article 50-52].
- ◆ Geographical Indications (GIs) are protectable under the revised Bangui Agreement, and protection is extended to agricultural and artisanal products, amongst others [Annex VI].
- ◆ Applications for the registration of industrial designs will be published for a three-month opposition term, prior to registration [Annex IV, Article 13].

## Fees

- ◆ A new schedule of official fees was issued by the OAPI Registry, which is also effective from 1 January 2022.

**NB:** *Trademark filing fees are slightly reduced, but the official filing fee no longer includes up to three classes on filing. Official filing fees are now payable for filing a mark in each class of interest, including for the second and third class, where multi-class applications are concerned. (Clients now need to pay for one mark in one class and separately for additional classes).*

The Registry further issued new Administrative Instructions, which introduces a new format of official trademark filing confirmations issued by the Registry.

## Egypt

The Egyptian Patent Registry is transforming from manual to completely digital

operations. The new electronic system will be used for filing patent applications, recording assignments, paying annuities, and all other procedures relating to patents, including requests for meetings with examiners.

The move to the electronic system is expected to be complete by 28 February 2022. It is also crucial to note that Egypt is now ranked as the top market of interest for foreign investors and the second largest economy after Nigeria.



## Gambia

The Government of The Gambia deposited its Instrument of Ratification to the

Banjul Protocol on Marks with the Director General of ARIPO on 3 May 2021. To that end, the Banjul Protocol is now effective in The Gambia, making her the 12th Contracting State of the Banjul Protocol on Trademarks.

What does this mean for Africa registrations?

Gambia can now be designated in any ARIPO trademark application under the Protocol.

Gambian nationals and residents are entitled, as of 3 August 2021, to file trademark applications directly with the ARIPO Office.

## Cape Verde

Cape Verde Becomes  
ARIPO's 22nd Member  
State



The Republic of Capo Verde is to become ARIPO's 22nd Member State. On the 7th of January 2022, the Cape Verdean Parliament approved the accession of the Country to the Lusaka Agreement, Banjul and Harare Protocols. On the 27th of January 2022, the Parliament further approved the accession to the Swakopmund Protocol. The Instruments of Accession will be deposited with the ARIPO Director-General on a later date.

With this development, users of the ARIPO system will be able to designate Cape Verde as one of the designated countries for the application of the following Intellectual Property Rights: patents, industrial designs, utility models, trademarks and the protection of traditional knowledge.

## Kenya

Kenya Trademark Registry  
Publishes Expired Patents  
in Solidarity to Kenya's Big 4  
Agenda



In furtherance of Kenya's President Big 4 Agenda – manufacturing, affordable housing, universal health coverage and food security, (an attempt to ensure 15% of GDP from the manufacturing sector) the Kenya Industrial Property Institute has confirmed that it will periodically identify and publish available technologies to the public free of charge, that are relevant to the Big 4 sector in Kenya. The technologies contained in the following patents can be commercialized in Kenya without fear of infringement.

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## OUR SERVICES

- ▶ Trademark filing across Africa
- ▶ Commercial IP [IP Commercialization, IP Audit, IP valuation, IP advisory, IP licensing & franchise]
- ▶ Data protection Audit, training, and remediation services
- ▶ Patent and designs registration
- ▶ Copyright and domain name registration
- ▶ Sports contract advisory

### **CONTRIBUTORS:**

Marshal Mapondera  
Izotene Fidel-Anyanna  
Ifeanyi Okonkwo  
Susan Akinade  
Blessing Udo  
Wisdom Abiala  
Olusegun Oyesanya

## **Contacts**



**NGOZI ADERIBIGBE,**  
Partner and Sector Head,  
Technology, Media &  
Entertainment  
*ngozi.aderibigbe@jee.africa*



**JOY AZUMARA,**  
Senior Associate  
*joy.azumara@jee.africa*



**IZOTENE FIDEL-ANYANNA,**  
Associate  
*t.fidel-anyanna@jee.africa*





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