

Box 19.3: Towards a single Pan African intellectual property system

As part of its *Science, Technology and Innovation Strategy for Africa to 2024 (STISA-2024)*, the African Union adopted the statutes of the Pan-African Intellectual Property Organization (PAIPO) in 2016.

PAIPO has a mandate to harmonize and align the national intellectual property systems in Africa, as well as those of the two regional jurisdictions.

The first of these regional jurisdictions is the African Regional Intellectual Property Organization (ARIPO, est. 1976). Originally covering only English-speaking countries, ARIPO has since extended membership to other countries, including Mozambique, São Tomé and Príncipe and Somalia.

Similarly, the Organisation africaine de la propriété intellectuelle (OAPI, est. 1977) initially only covered French-speaking countries. It now counts Guinea-Bissau and Mauritania among

its 17 member states.

Conspicuous by their absence are Nigeria and South Africa. Respectively the continent's largest economy and Africa's most developed patent office, they are members of neither ARIPO nor OAPI.

Moreover, as of October 2020, PAIPO has yet to become operational. It had been scheduled to reach this stage by 2018 and to be fully functional by 2023.

Registration of intellectual property a costly process

In most cases, the process for registering intellectual property remains costly and difficult to navigate for local inventors.

For example, it costs over US\$ 37 000 at ARIPO and US\$ 30 000 at OAPI to register and maintain a 30-page patent for the first ten years (de Andrade and Viswanath, 2017). This compares with US\$ 5 216 in South Africa, US\$ 4 330 in Malaysia and just US\$ 2 500 in the UK.

To compound matters, the rules governing page limits before an extra fee applies differ widely across jurisdictions and the renewal fees (annuities) can be high (Table 19.5).

As a result, only 17 000 patent applications were registered in Africa in 2018, equivalent to 0.5% of the global total. Of these patent applications, only 18.4% originated from local residents, according to the World Intellectual Property Organization's statistics database. In the same year, the UK alone registered more applications for patent registration than Africa as a whole: 20 941, of which 61.4% originated from local residents.

ARIPO and OAPI should join forces to simplify online procedures for patent applications and significantly reduce the cost of pre-examination fees and services for young African innovators, university students and early-stage start-ups. Doing so would be a particularly powerful means of nurturing Africa's creative forces and helping the most promising ideas to translate into financial assets and gain visibility with potential investors.

In addition, all 54 African countries should more actively pursue mutual recognition of intellectual property as a way to support implementation of Africa's continental free trade area.

Source: compiled by Bakary Traoré, OECD

Table 19.5: **Estimated patenting costs at ARIPO, OAPI and in South Africa, 2017**
In US\$

Stage of patent process	ARIPO	OAPI	South Africa
Filing	1 797	5 150	1 589
Examination	1 165	–	–
Prosecution	1 060	2 879	120
Grant	1 830	162	180
Cumulative annuities	31 990	21 941	3 327
Total	37 842	30 132	5 216

Source: de Andrade and Viswanath (2017)