



New Vision – 17th July, 2021

URSB SECURES THE FUTURE OF LOCAL INVENTORS THROUGH TRADEMARK PROTECTION

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Creativity and innovation are natural human endeavors that are credited for providing solutions to the challenges we face. The results of this creativity and innovation are known as intellectual property (IP). These results are protected by a branch of law known as Intellectual Property Rights (IPRs). Therefore, IP comes in to secure the fruits of these endeavors born out of ingenuity and mental craft.

The COVID-19 pandemic provided opportunities for individuals and companies to invent and create solutions as part of the drive to confront the challenges brought about by the pandemic. All of these inventions are intellectual property that if protected can benefit the owners. Protection of intellectual property is through registration with Uganda Registration Services Bureau except in a few instances.

Reasons to safeguard ingenuity

Intellectual property protection acts as an incentive to inventors and authors to continue to innovate, create and bring their products to the market for the benefit our societies by securing their interests in the products of their creativity and ingenuity enabling them to benefit from them. Uganda Registration Services Bureau (URSB) is the National Intellectual Property Office and administers intellectual property laws that provide for protection of intellectual property.

Works born of creativity need to be safeguarded, nurtured and protected. Intellectual property therefore helps protect the inventor, creator or author depending on the type of work/creation/innovation involved. This protection ranges from patents, which protect inventions, trademarks, which protect distinctive signs and logos, copyright which protects authors of literary and artistic works such as books, music, films, computer programs among others. Protection of IP is granted to the author or inventor.

Ownership of IP rights

However, in cases where employees innovate while in the employment of an organization that hired them for that particular duty, then ownership of the intellectual property accrues to the employer by law, except where the employer and employee agree otherwise in a contract. In other instances, certain intellectual property outputs may be of great benefit to the employee's organization and society.

In such cases, organisations rely on their internal Intellectual Property Policies to determine how benefits from the intellectual property should be shared. This is why it is critical for SMEs,

Research and Development Institutions, and Academic Institutions to have intellectual property policies as part of their human resource policies or standalone documents.

Spread of IP protection

Protection of intellectual property is available for all types of inventions, works of artistic and literary expression and trademarks.

With respect to inventions, not all inventions are eligible for patent protection. Certain products including pharmaceutical products are not eligible for patent protection in Uganda.

Products that address supportive treatment can acquire a trademark for their protection or any other relevant Intellectual Property. The exclusion of pharmaceutical products from patent eligibility for Uganda and other Least Developed Countries (LDCs) was a public policy initiative by members of the World Trade Organisation to support public health objectives for countries which, due to their level of development are unable to manufacture their own medicines and would otherwise be prevented by patents from accessing medicines to deal with public health emergencies. The kinds of health emergencies include HIV/AIDS, Malaria, Tuberculosis, and other epidemics.

Back home, CIPLA- Quality Chemicals Uganda Limited has been able to avail high quality antiretroviral, Hepatitis B and Antimalarial drugs to millions of needy Ugandans because of this exclusion of pharmaceutical products from patent protection. In cases where protection may not be available in Uganda and other LDCs, protection may still be sought in other developed or developing countries such as Kenya, South Africa, Botswana, among others.

Protection can be sought through use of the regional system such as the African Regional Intellectual Property Organisation (ARIPO) and international system via the World Intellectual Property Organisation (WIPO). Through ARIPO and WIPO, applicants can seek protection in 18 countries of ARIPO and 152 countries under the WIPO system by filing one application and paying one set of fees. Applications for protection under the ARIPO and WIPO systems are also filed through URSB. The full cost of protecting intellectual property rights is available on the URSB website.

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