

Use industrial property law

Intellectual property is that intangible property that relates to products and processes of a creative mind. Intellectual property is divided into two categories; industrial property and copyright. Industrial property includes inventions/patents, trademarks, industrial designs, utility models and geographical indications.

Industrial property is governed by the Industrial Property Act, 2014, which was assented to on January 6, 2014. The Act became operational on June 2, 2017.

The purpose of the Industrial Property Act is to provide for the promotion of inventive and innovative activities, facilitate the acquisition of technology through the grant and regulation of patents, utility models and industrial designs. Other purposes included providing for the designation of a registrar, provide for the functions of the registrar and the establishment of a register of industrial property rights and for related matters.

Hence, the Act aims at facilitating development in the private sector and promoting private investment in Uganda through the registration and regulation of patents, utility models, industrial designs and technovations. Industrial property is, therefore, a tool for technological and economic development.

The Patents Act, Cap 216, which was repealed, provided for the registration of patents and was not in harmony with most international treaties/agreements guiding the protection of inventions and innovations. The new Act has been able to address these gaps, simplified utility model registration and introduced the registration of industrial designs and technovations, thus establishing a comprehensive industrial designs system.

Uganda, like many African countries, has not fully taken off technologically. However, a lot of work is being done by the Government to promote inventive activity in universities as well as research and development institutions.

Considering the technological status of Uganda, most of the innovations are mostly improvements to existing products and processes, qualifying for utility model protection. Utility models are petty patents that encourage indigenous inventiveness and the stimulation of creativity among the people of the country.

Based on this, Uganda Registration Services Bureau (URSB) has made deliberate steps to encourage local innovators to seek utility



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model protection. This has boosted confidence of local innovators to negotiate for fair compensation with investors for their innovations.

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The Act also provides for patent examiners who examine the applications and advise on registrability. In the past, patent and utility model applications were sent to the African Regional Intellectual Property Organisation (ARIPO) for examination. At the moment, utility model applications are examined at the USB office, which makes it cheaper and faster for local innovators to easily get protection. The office has prioritised equipping examiners and other officers with relevant skills and experience to conduct their work.

The Industrial Property Act, 2014 is the first law since the colonial times that provides for registration of industrial designs in Uganda. We have already started

receiving industrial design applications. An industrial design protects the ornamental or aesthetic aspects of a product, represented by lines, colours, shape, texture and configuration of a product or its ornamentation. It is basically what makes a product attractive and appealing to consumers' eyes. Most times, consumers choose one product over another because of its aesthetic appeal and for that reason, the appearance of the product will determine its success in the marketplace.

A good design contributes a lot to successful branding and standing out of a product/service or company. It is essential that Small and Medium Enterprises (SMEs)/industries prioritise protecting their designs, hence their brand image from copycats/imitators and possible infringers. Industrial designs can essentially help our businesses to grow their market share.

Uganda is the first country in the region to introduce the registration of technovations. Technovation is defined as "a solution to a specific problem in the field of technology, proposed by an employee of an enterprise in Uganda for use by that enterprise, and which relates to the activities of the enterprise but which, on the date of proposal, has not been used or actively considered for use by that enterprise".

With this new form of intellectual property protection, an employee can protect their solution to a problem by filing a request for a technovation certificate with their employer which the employer grants if the requirements of the Act are met. If the employer uses the technovation (or communicates it to a third person) the employee (technovator) is entitled to a remuneration, which will be determined by collective bargaining agreement or by mutual agreement between the parties.

URSB has seen tremendous increase in the number of patent and utility model applications, for example, in the first month of introducing industrial design application, 20 applications were received.

The importance of the industrial property system cannot be over-emphasised because it plays a vital role in the development of the SME industry, creativity and innovation, stimulating trade and promoting industrial growth.

The writer is the registrar general of Uganda Registration Services Bureau