Interview

BOSS TALK

Counterfeiting: Africa's silent threat to innovation

INTERVIEW
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Counterfeiting remains one of the most pervasive yet underestimated threats to innovation, public safety, and economic growth across Africa.

With counterfeit goods accounting for a significant share of global trade, and an even higher proportion in African markets, the challenge extends far beyond lost revenues to include job destruction, weakened industries, and serious health and safety risks for consumers.

At the heart of this fight is the need for stronger intellectual property systems, effective enforcement, and greater public awareness. As co-chair of the International Trademark Association's Anti-Counterfeiting Middle East and Africa Subcommittee, Brian Kalule, who is also a partner at AF Mpanga Advocates, sits at the forefront of regional efforts to confront this challenge.

His experience in corporate and commercial law, banking and finance, technology, media and telecommunications, intellectual property, and dispute resolution makes him a leading technology and IP lawyer in Uganda, who has advised major global companies on complex cross-border matters.

He is also helping to shape strategies that address legal gaps, strengthen border and enforcement capacity, adapt global best practices to local contexts, and engage policymakers, businesses, and the public in protecting innovation.

In this interview, he shares insights on the realities driving counterfeiting in Africa, International Trademark Association's strategic priorities, and the critical role businesses, especially small and medium enterprises, must play in building an innovation-driven economy.



Brian Kalule warns that counterfeiting threatens Africa's innovation, public safety, and economic growth, calling for stronger laws, enforcement, public awareness, and active SME participation to protect intellectual property. PHOTO/FILE

What are the most pressing challenges driving counterfeiting in Uganda and across Africa?

One of the most significant challenges in combating counterfeiting is the absence of comprehensive anti-counterfeiting legislation. In Uganda, the proposed Anti-Counterfeiting Bill has remained stalled in Parliament, leaving enforcement agencies without a clear legal framework. Similar gaps exist across many African countries, weakening coordinated regional responses and allowing counterfeit networks to persist.

Porous borders further exacerbate the problem, enabling counterfeit goods to enter markets with minimal scrutiny. In Uganda, Uganda Revenue Authority primarily focuses on tax collection, rica Subcommittee is prioritizing legislative advocacy to support the enactment of strong anti-counterfeiting laws across the region. At the operational level, collaboration with customs authorities aims to strengthen detection and information-sharing mechanisms. Targeted capacity-building initiatives for enforcement agencies will also be critical in equipping officials with the knowledge and tools needed to effectively combat counterfeiting.

The International Trademark Association operates globally. What challenges and opportunities arise when adapting international anti-counterfeiting best practices to contexts?

One of the biggest differences is cultural. In some societies, the consumption of counterfeit goods is heavily stigmatized; it is almost socially unacceptable to be seen using fake products. In contrast, in many of our societies, consuming counterfeit goods is often tolerated or even normalized.

This acceptance largely stems from a lack of awareness about the dangers of counterfeit products. Take counterfeit medicine as an example. At best, a patient who consumes fake medicine will not recover. At worst, the product could be toxic and cause serious harm or even death.

The greatest challenge, therefore, is awareness. We need to educate the public, policymakers, and enforcement agencies about the real dangers of counterfeiting; not just to businesses, but to public health, safety, and long-term economic development.

What strategies are you prioritizing and how do you plan to engage stakeholders to deliver results?

Our focus is on three key areas.

First is online anti-counterfeiting. The rapid growth of e-commerce has significantly worsened the problem, allowing counterfeiters to reach consumers directly while evading traditional customs and enforcement mechanisms.

We will focus on counterfeiting within the digital ecosystem, examining emerging trends, challenges, and potential solutions.

Second, we will prioritize customs and law enforcement engagement. This includes designing and implementing specializsd training programmes aimed at equipping officials with advanced knowledge, tools, and intelligence to detect and combat counterfeit goods effectively.

Third, policy and advocacy will remain a major focus. We intend to actively contribute to legislative reform efforts and policy development across the region to strengthen intellectual property protection frameworks.

What would be your message to Ugandan businesses, especially small and medium-sized enterprises, about intellectual property protection and their role in combating counterfeiting?

Small and medium-sized enterprises are absolutely critical. They form the backbone of the global economy, representing about 90 percent of all businesses and accounting for more than 50 percent of global employment.

However, businesses must recognize and adapt to changing economic realities. The global economy is shifting from one driven by industrial and primary goods to one powered by innovation and creativity.

For example, around 40 percent of the US economy is driven by intellectual property rights, and approximately 90 percent of the value of S&P 500 companies lies in intangible assets.

To grow our economy ten-fold, from about $50b to $500b by 2030, innovation will have to be a central driver of that transformation. For this to happen, brand owners and SMEs must take intellectual property seriously by registering their IP rights and actively enforcing them.

You are the co-chair of International Trademark Association's Anti-Counterfeiting Middle East and Africa Subcommittee. What does this mean to you, and how do you plan to use this role to impa in the region?

The International Trademark Association is a global organization of brand owners and professionals dedicated to the protection of intellectual property.

It believes that strong intellectual property systems can foster innovation, economic growth, and ultimately better societies.

One of its key priorities is the fight against counterfeiting, which is a massive global problem. According to OECD estimates, trade in counterfeit goods accounts for about 3 percent of global trade.

In Africa, the figures are even more alarming. In Uganda, for example, it is estimated that up to 60 percent of goods on the market are counterfeit.

The trade in counterfeit goods has far-reaching consequences. It disrupts legitimate businesses, leads to significant lost sales, destroys jobs, and results in tens of billions of dollars in lost tax revenue for governments.

Beyond the economic impact, counterfeiting poses serious health and safety risks to consumers, undermines innovation by stealing intellectual property, and exposes the public to danger-

The cost