



Mapping the intellectual property treaty landscape in Africa

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Introduction

This project aims to assess the status of intellectual property treaty ratification within Africa. The project measures ratification of different intellectual property treaties in 1994, 2004 and 2014 as a way to promote future research in assessing if and how these treaties affect African countries' development of domestic intellectual property frameworks. This project is part of the larger Open AIR research group assessing the impact of intellectual property regimes on development.

Methods

- To identify treaties to include in the study we compiled a list of all international treaties containing provisions that bind signatories to take measures in respect to intellectual property rights, including copyrights, patents, trademarks, trade secrets, traditional knowledge, bio-diversity, and genetic resources.
- We identified 11 treaties and recorded into a database the ratification dates, if any, for 54 African countries. Countries were selected by cross-referencing the World Trade Organization list of countries with the World Intellectual Property Organization, the World Trade Organization, and the African Union
- For each treaty we categorized the countries by ratification date: (treaties ratified during or before 1994, treaties ratified between 1995 and 2004, and treaties ratified between 2005 and 2014). Ratification date was used because this is the date the treaty becomes legally significant. We chose 1994 as the year that the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement was signed. The number of treaties signed by each country was calculated in Excel into a cumulative time series.
- Using Javascript and Leaflet we developed an interactive map of Africa to visualize the data for each country across time. The size of each bubble reflects the number of treaties signed by a state in comparison to other states and other periods of time.
- The poster only reflects 2014, the interactive website shows the change from 1994, 2004, and 2014.

Conclusion

There are multiple treaties which may legally constrain the flexibility of African states to create and tailor intellectual property policies to the context of that particular state. There has been a proliferation of treaties signed by African states from 1994 to 2014.

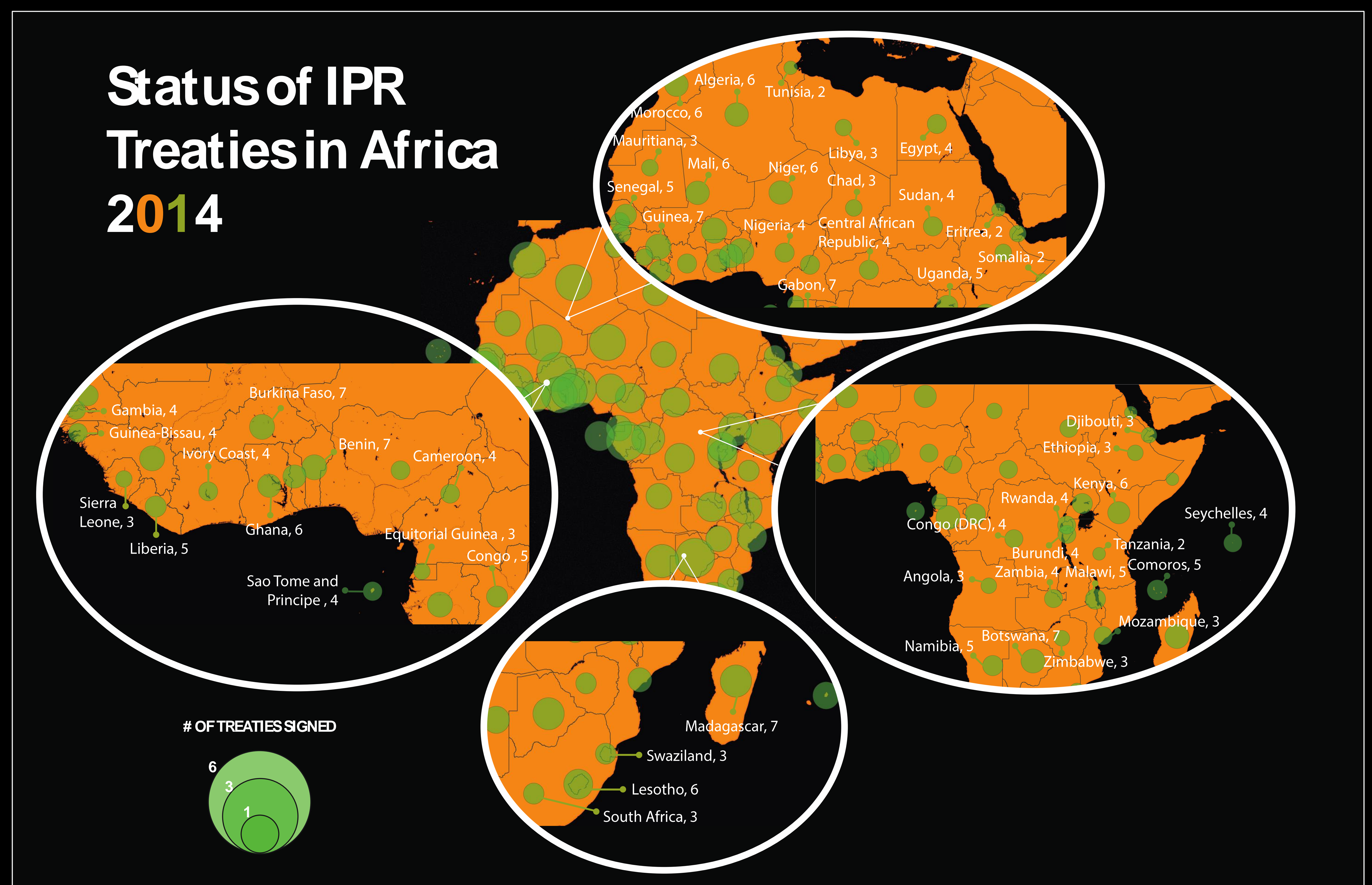
This data represents a baseline in assessing the state of ratification of intellectual property treaties in Africa. The next step will be to perform qualitative assessments using legal instruments to determine if and how these treaties constrain domestic policy development.

Sources

- <http://www.wipo.int/treaties/en/WTO>
- https://www.wto.org/english/tratop_e/trips_e/trips_e.htm
- <https://www.cbd.int/>
- <http://www.upov.int/portal/index.html.en>
- <http://www.planttreaty.org/>

Results

- Of the 54 African countries we studied, 44 countries (81.5%) had ratified one or more IP treaty in 1994. By 2004, 53 countries (98.1%) had ratified one or more IP treaty, with that number remaining unchanged in 2014.
- In 1994 African countries had signed on average 2.11 treaties (1.24 SD), in 2004 African countries had signed on average 3.19 treaties (1.21 SD), and by 2014 African countries had signed on average 4.33 treaties (1.58 SD).



About Open AIR

Open AIR is a unique collaborative network of researchers spread across 14 African countries, Canada, and elsewhere answering two overarching questions:

- (1) How can open collaborative innovation help businesses scale up and seize the new opportunities of a global knowledge economy? And
- (2) Which intellectual property (IP) and associated knowledge governance systems will best ensure that the social and economic benefits of innovation are shared inclusively across society as a whole?

Open AIR's primary goal is to uncover new insights to ease tensions between IP and access to knowledge. Specifically, to solve a problem at the heart of IP and innovation policy: how to reconcile tensions between appropriation and access, excluding and sharing, and competing and collaborating.