



**BUSINESS AND INTELLECTUAL
PROPERTY AUTHORITY**

Protecting Entrepreneurship and Innovation

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MEDIA RELEASE

NAMIBIAN INDUSTRIAL PROPERTY (IP) ACT HAILED AS ONE OF THE BEST IN AFRICA

FOR IMMEDIATE RELEASE

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Windhoek, Namibia – The publishing of Government Gazette No. 6616 of 01 June 2018, announced the coming into force of two pertinent documents regarding intellectual property as from 01 August 2018. One being the Industrial Property Act, 2012 (Act No. 1 of 2012), hereinafter referred to the IP Act and the Regulations under the Industrial Property Act.

As per the gazette, the Industrial Property Regulations would repeal Government Notice No. R2498 of 14 December 1973, as corrected by Government Notice No. R87 of 18 January 1974, and amended by Government Notice No. AG 40 of 15 July 1989 and Government Notice No. 13 of 5 January 2001.

The IP Act repeals legislations pertaining to patents, trademarks, designs, namely, the Trade Marks Act, Act No. 48 of 1973, The Patents and Designs Act, Act No. 9 of 1916, the Patents and the Designs and the Trademarks and Copyright Proclamation Act, Act No. 17 of 1923. The IP Act does however not cover any subject matter related to copyright. Copyright remains covered under the Copyright and Neighbouring Rights Protection Act, Act No. 6 of 1994.

Ainna Kaundu, BIPA's IP Executive noted that the IP Act consolidates the same laws on Trade Marks, Patents and Industrial design, saying that "there are a number of changes under this new law that affects every Namibian in some way or the other. The most significant changes relate to the introduction of Utility Model protection, increase of application fees, the term protection for patents and the annual renewal requirements"

The transformation of the Intellectual Property agenda and discourse in Namibia and on the continent has made it possible for a legislation of this caliber to come to life. Through multi-stakeholder consultative meetings, experts in the field of Intellectual Property has hailed this legislation as one of the best in Africa, particularly due to the fact that this Act reflects a model IP legal framework for developing countries, as well as that it encompasses a built-in mechanism that speaks to inclusive participation for all citizens.

Namibia being a member of both the World Intellectual Property Organisation (WIPO) and the African Regional Intellectual Property Organisation (ARIPO), is signatory to a number of regional and international treaties and instruments, which under the new Act relate directly to the level of compliance to these instruments. They include the Banjul Protocol on Trade Marks, Harare Protocol on Patents, Madrid Agreement concerning international registration of marks, the Patent Cooperation Treaty, Hague Agreement, Paris Convention and the TRIPS agreement falling under the World Trade Organisation.

Public Enterprise established under the BIPA Act, 2016 (Act No. 8 of 2016)

Directors: Riundja A Kaakunga (Othy) - **Chairperson**, Dr Martha Uumati - **Deputy Chairperson**, Fritz C Jacobs, Lovisa Indongo-Namandje, Seno Namwandi, Ignatius K Thudinyane, Chaze Nalisa,
Chief Executive Officer: Tileinge S. Andima, **Company Secretary:** Vivienne E Katjiungua



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The following are some of the key material changes within the new Act:

1. Introduction of protection of Utility Models;
2. Expansion on the term of protection for patents from 14 years to 20 years;
3. Introduction of substantive examination for patents (to be facilitated through ARIPO);
4. Introduction of Annual renewal requirements for patents;
5. Introduction of new fees; and
6. Introduction of new IP bulletin.

“We are in the process of conducting various stakeholder engagement sessions and public education campaigns that will inform Namibians about the new act, the changes within the act and how they might be affected”, noted Ockert Jansen, Manager Marketing and Corporate Communication at BIPA.

With the Act coming into force by 01 August, BIPA will make adjustment to its current application processes that will allow for the alignment to the new requirements of this legislation.

Issued by:

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About BIPA: (<http://www.bipa.na/business-categories/strategic-thrust/>)

In an effort to improve service delivery and ensure the effective administration of business and intellectual property rights (IPRs), the Business and Intellectual Property Authority (BIPA) has been established as the focal point for the registration of business and industrial property. BIPA is responsible for the administration and protection of business and intellectual property. BIPA is established as a juristic person in terms of section 3 of the BIPA Act, 2016 (Act No.8 of 2016) and is a Public Enterprise as defined in the Public Enterprises Governance Act, 2006 (Act No. 8 of 2015).

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