

**Brenda W. Kahari Remarks  
On behalf of INTA  
at the  
ARIPO Administrative Council Meeting  
Zanzibar  
November 26, 2012**

Madam Chair and  
Honorable Administrative Council Members,

Director General, Mr. Gift Sibanda

Distinguished Delegates

Cooperative partners,

All Protocols observed

Ladies and Gentlemen:

Thank you for the opportunity at this momentous occasion to reflect on the long-term and ever strengthening relationship between ARIPO and the International Trademark Association. As you know, INTA is comprised of 6,000 corporate members owners of the top brands not only across Africa but worldwide including, law firms academic institutions, non-government organizations, government representatives and others For almost two decades INTA has had the privilege of working with ARIPO in its efforts to facilitate trademark registration in the ARIPO Member States through the regional registration system established under the Banjul Protocol. This relationship, of course, could not have been possible without the dedication and creativity of the ARIPO Secretariat. Let me highlight just a few key milestones that our two organizations accomplished together.

Our cooperation first focused in the mid-1990s on ensuring that the Banjul Protocol was in compliance with the World Trade Organization's Agreement on Trade-related Aspects of

Intellectual Property Rights, otherwise known as TRIPS. This three-year project required in-depth analysis by INTA's experts on its OAPI/ARIPO Subcommittee which is dedicated to the two regional trademark systems of Africa. Throughout the work, INTA was honored to have ARIPO's representatives attend the subcommittee's meetings to promote effective cooperation and communication between the two organizations. In fact, in 1998, ARIPO became a member of INTA and its representatives volunteered to serve on the subcommittee. The ultimate outcome of the project was the adoption by the ARIPO Ministerial Council of revisions to the Banjul Protocol bringing it in-line with the latest international standards for protecting intellectual property, and in particular, trademarks.

But having the Banjul Protocol meet international standards and implementing those standards are two different exercises. To show its support for the ARIPO regional system for filing applications, INTA's Board of Directors in 2000 adopted a resolution supporting the adherence to the Banjul Protocol by ARIPO Member States. Over the ensuing years, INTA sent letters to the relevant Ministers and participated in various presentations demonstrating the benefits of joining the Banjul Protocol. Trademark owners worldwide are encouraged that the number of Member States joining the Protocol has increased from 5 to 9 ratifying members. This is great progress, but we would like to see all 18 Member States ratify and importantly, implement the treaty.

Regarding implementation, INTA has worked closely with the ARIPO Secretariat on the issue of the enforceability of the ARIPO mark through the urging of amendments by Member States of their national laws. Enforceability and legal certainty are essential requirements for convincing trademark owners not only to use the ARIPO system, but also to make the initial

decision to expand into Africa through registering their marks and providing the needed investment that will in turn lead to sustainable economic development.

Lastly, there is the question of harmonization of national laws. INTA has been a welcomed partner in support of the vision of ARIPO's Secretariat promoting economic growth through harmonized national laws and procedures in the region. Less complexity and greater efficiency gained from a regional, harmonized system will spur interest of trademark owners and willingness to enter trade and investment in African States. This project, which consisted of an elaborate questionnaire for the Members States to consider, is ongoing. We hope that more African States see the value in cooperating. INTA, of course, stands ready to provide assistance in the final verification of the information provided.

The growing and strengthening relationship between ARIPO and INTA was enshrined in a Cooperation Agreement in 2009. The Agreement promotes joint action to raise the awareness of ARIPO Member States to the importance of implementing the Banjul Protocol that underlies the regional trademark system. It also calls for INTA and ARIPO to join forces in providing training and educational opportunities for trademark practitioners in Africa through e-learning, seminars, roundtables and publications. INTA has been assisting ARIPO in providing information on the latest initiatives in trademark law and practice. The two organizations also develop plans of action to advance the various activities covered under the Agreement, which may be renewed every two years.

Underlying all of these joint cooperation and accomplishments has been a very special individual – Director General Gift Sibanda. From his time as a staff member to his assumption of the position of Director General, Gift has truly been a visionary and leader in advancing the

goals of ARIPO and in partnering with INTA. His valuable contributions by attending our subcommittee meetings during the INTA Annual Meetings, and his willingness to participate in numerous conference calls over the years is greatly appreciated by INTA and its members worldwide. Being in Harare, I personally have had the privilege of working with your Gift for many years starting with our days at the Ministry of Justice just after independence of Zimbabwe and I hope that he will be able to continue to share with ARIPO, WIPO and those in private practice his invaluable expertise gained in IP. I can assure you that he has served your organization well. Through hard work, dedication to the causes of ARIPO and professionalism, he has earned the respect of members of INTA and hence raised recognition and respect for ARIPO as a truly international organization in the field of trademarks.

We will surely miss Gift's leadership and friendship. But the strong foundation that he has built for the ARIPO / INTA relationship will continue to support our future cooperation on so many important projects vital to the region's desire to become a fertile ground for intellectual property and to reap the benefits and value that a strong and viable trademark system provides. In fact, INTA is so convinced of this that we have launched a new initiative called "Africa Rising" through which we hope to bring high visibility to INTA members the opportunities that abound in the growing African economies. We wish to profile and highlight the efforts and achievements of African nations in the field of trademarks beginning with the Benchmarking Questionnaire. INTA welcomes this opportunity to continue to be a strong partner of ARIPO. We look forward to working closely with the new Director General, the Council of Ministers and the Administrative Council in our joint efforts to transform the ARIPO Regional System into a model for economic development and consumer protection.

Thank you.