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The Inventa IP Review offers a fresh perspective on the global IP environment, highlighting the developments and strategic shifts emerging from Europe and Africa.

Throughout 2025, the IP ecosystem experienced significant evolution, driven by rapid technological advancement, shifting regulatory priorities, and growing geopolitical and economic complexity. Across both regions, the year marked important progress in areas such as artificial intelligence, digitalisation of IP offices, innovation policy, and regional cooperation, alongside sustained attention to strategic patent activity, trademark protection, and enforcement practices.

In Europe, regulatory consolidation and the practical impact of new frameworks continued to influence IP strategy, while across Africa, strengthening institutional capacity, increased innovation activity, and deeper engagement with international IP systems gained momentum. Together, these developments underscore the increasingly interconnected nature of the global IP environment.


Featuring expert insights, in-depth opinion pieces, and timely industry updates, the Inventa IP Review 2025 offers a comprehensive and forward-looking perspective on the challenges and opportunities shaping intellectual property today. Our content is available on our website and shared regularly across our social media channels.


*Inventa*



"Inventa IP Review" is an annual compilation of articles written by the Inventa team, spotlighting key IP topics from the previous year. Inventa is an Intellectual Property law firm, specializing in the protection and internationalization of trademarks, patents, industrial designs, copyright and domains, with a global network of offices and local representatives.

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# Lexicalisation without genericide: Spain's 'Donut' ruling and the Portuguese approach

Diogo Antunes

Europe

Portugal

 **Managing IP**

The stronger a trademark becomes, the more it risks sliding into generic use.

Diogo Antunes, Legal Manager at Inventa, examines this paradox at the heart of brand success, analyzing how Spanish and Portuguese courts address the tension between linguistic reality and legal protection, and why widespread use of 'donut' has not diminished the distinctiveness of the renowned Donuts marks.

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# Nigeria: Bridging the gap between trademark and consumer protection

Izuchukwu Chinedo

Africa

Nigeria



Trademarks are central to commercial identity, which enables consumers to distinguish goods and services from others, while protecting the owner's economic benefit and goodwill. In the Nigerian economy, the level of competition has increased over the years as a result of a significant increase in demand for goods and services.

However, this increase has been accompanied by rising cases of trademark infringement, especially in the form of counterfeiting and cases of passing off, which impairs owners' rights and misleads consumers, resulting in loss of profits and circulation of counterfeit products unfit for consumption and use.

The Trademark Act grants exclusive rights to owners of products, thereby preventing others from unauthorised use. A trademark owner is expected to protect their rights to reap the legal benefits therein, such as the right to sue for infringement. Consumer protection involves ensuring fair trade, product safety, and truthful

representation of goods and services, safeguarding consumers against unfair practices in the marketplace.

This article seeks to examine the relationship between trademark protection and consumer protection, evaluate the adequacy of Nigeria's current legal and enforcement framework, and propose policy reforms necessary to enhance the protection of both brand owners and consumers.

## Legal and institutional framework for trademark protection in Nigeria

Nigeria is blessed with a multiplicity of laws, Acts, regulations and enactments regulating trademarks. Some of the laws include: more efficiently.

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# Does Portuguese case law conform to the EU regime on secondary meaning?

Vítor Palmela Fidalgo

Europe

Portugal



Portuguese courts have increasingly restricted the recognition of acquired distinctiveness for non-distinctive signs, diverging from the EU trademark framework.

Vitor Palmela Fidalgo examines this, arguing that such limitations jeopardise legal coherence, consumer protection, and the fundamental function of trademarks as indicators of commercial origin within the internal market.

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# EU sound mark applicants should listen up

João Pereira Cabral

European Union



On September 10, 2025, the EU General Court (EGC) issued its judgment in the case of Berliner Verkehrsbetriebe (BVG), T-288/24, (ECLI:EU:T:2025:847). In this decision, the EGC annulled a decision by the EU Intellectual Property Office (EUIPO) which had refused the registration of a sound trademark.

This is an important decision by the EGC, as it sets a threshold example of the distinctiveness required for the protection of sound trademarks.

## The EUIPO's contested decision

The appeal to the EGC was filed against the decision of the Fifth Board of Appeal of the EUIPO of 2 April 2024 (Case R 2220/2023-5). In this decision, the board upheld the decision of the Examining Division, which had **refused** application no. 018849003 for a sound trademark, filed by BVG, the main public transport company of Berlin, covering transportation services in class 39.

In these decisions the EUIPO applied Article

7(1)(b) of the EUTMR, based on the notions that that the trademark applied for was devoid of any distinctive character, for being “so short and banal that it [had] no resonance or recognisability which would allow the targeted consumers to regard it as an indication of origin and not merely as a functional element or an indication which does not convey a message.”

The board also added that although the mark applied for was “different from other jingles used in the transport sector”, that difference was “not sufficient, on its own, to confer distinctive character on it”, considering that “the distinctive character of a sound mark [was] to be determined solely by the ability of the mark to identify the product or service in respect of which registration [was] sought as originating from a particular undertaking, and therefore to distinguish that product or service from those of other undertakings”.

The Board of Appeal concluded, essentially, that the mark applied for was “extremely

short (two seconds) and simple (... four perceptible sounds)” and that, for this reason, that trademark was “not able to convey as such a message which consumers [could] remember” since it would “simply be perceived as a functional sound element intended to draw the listener’s attention to the subsequent announcement or to other aspects of the services covered”.

### **The EGC’s decision**

The EGC starts by noting that it had previously held that a sound sign which is characterised by excessive simplicity and is no more than the mere repetition of two **identical notes** was not, as such, capable of conveying a message that could be remembered by consumers, with the result that consumers would not regard it as a trademark, unless it had acquired distinctive character through use (judgment of 13 September 2016, Sound mark, T-408/15, EU:T:2016:468, paragraph 51, EUTM application no 012826368).

Then, the EGC supports its decision to annul the board’s decision mainly in four notions: 1) the common use of “jingles” in the transport sector, 2) the sound not having a direct link with the services covered by the application; 3) the sound consisting of a melody in which

four different perceptible sounds follow one another, being sufficiently distinctive, 4) the sound not merely having a functional role.

For the EGC, it is well known that operators in the transport sector increasingly use “jingles” (short sound patterns), in order to create a sound identity recognisable by the public, an audio equivalent of the visual identity of a mark, for the goods and services associated with it, whether in airport terminals or on the platforms of train and bus stations, for advertising purposes or in connection with associated services. The EGC then added that the sound in question did not have a direct link with the services covered by the application and did not appear to be dictated by technical or functional considerations.

On the other hand, this was the case, for example, of the sound trademark discussed in *Ardagh Metal Beverage v EUIPO* (judgment of 7 July 2021, T-668/19, ECLI:EU:T:2021:420, EUTM application no 017912475), which consisted of the **sound of a beverage can being opened**.

In relation to the sound itself, consisting of a melody in which four different perceptible sounds follow one another, the EGC considered it had the purpose to serve as a



jingle, a short, striking sound sequence likely to be remembered and that, “despite its brevity, which is a characteristic specific to jingles and is intended precisely to facilitate their memorisation, the sound of the melody of which the mark applied for consists is intended to draw the public’s attention to the commercial origin of the services covered by that mark, in accordance with the customs of the transport sector.”

Then the court found support in the EUIPO’s decision-making practice and on the EUIPO’s examination guidelines themselves. As for the EUIPO’s decision-making practice, the court provided examples of EU sound trademarks that it considered to be analogous: EUTM no. [018800487](#), owned by Deutsche Bahn and EUTM no. [017396102](#), granted to Flughafen München GmbH, both from the transport sector.

Regarding the EUIPO examination guidelines, the EGC stressed two examples of accepted trademarks, set out in Part B, Section 4, Chapter 3, point 15, of the EUIPO examination guidelines, stating that: “Those examples indicate that two sound marks were accepted, which consisted, respectively, of the ‘sequence of four different tones, initially falling by a fourth and then rising and

ending on the median’ and ‘the first two shorter A notes sound less powerful than the following long and higher C note ...’. Such sound sequences are comparable to the sound sequence of the mark applied for, which, according to the Board of Appeal, consists of four perceptible sounds.”

”  
*(...) The sound had also the very purpose of allowing “the target public to distinguish [a] service and the undertaking concerned from other services which may be offered to it by other operators operating in the transport sector”.*

The court then went on to conclude that: “in view of the characteristics of the mark applied for in terms of duration, melody used, perceptible sounds, and the various indications provided by EUIPO in the past regarding the role played by those characteristics in the assessment of the distinctive character of a sound mark for which registration is sought, the Board of Appeal made an error of assessment in finding that the mark applied for lacked distinctive character on the ground that it was ‘extremely short (two seconds) and simple (... four perceptible sounds)’, as “neither the duration of the mark applied for nor its alleged ‘simplicity’ or ‘banality’, which

does not in itself prevent the corresponding melody from being recognised, are obstacles which are sufficient, in themselves, to justify the lack of any distinctive character”.

The court then refuted the idea that the sound had merely a functional role, as it did not exclusively serve to get the attention of consumers, for example, in train stations, for future announcements. The sound had also the very purpose of allowing “the target public to distinguish [a] service and the undertaking concerned from other services which may be offered to it by other operators operating in the transport sector”.

### **The importance of the decision**

Before this decision, all the previous decisions by the EGC or by the ECJ supported the refusal of sound trademarks (Shield Mark, C-283/01; Sound mark, T-408/15; Ardagh Metal Beverage, T-668/19). Therefore, none of these could set a threshold of sufficient distinctiveness for sound trademarks. If Shield Mark, C-283/01 dealt mainly with the then relevant graphic representation requirement, the Ardagh Metal Beverage, T-668/19 concerned a sound which was deemed unable to identify the goods in question as those of a specific undertaking and to distinguish them from those of

another undertaking as the sound consisted simply of a beverage can being opened. In the case Sound mark, T-408/15, on the other hand, the EGC decided that a sound sign that is characterised by excessive simplicity and is no more than the mere repetition of two identical notes was not distinctive.

With this new decision, despite not setting the threshold from which distinctive capacity begins, it at least exemplifies a threshold from which distinctive capacity exists (it is not excluded that marks with less distinctive capacity are susceptible to protection).

Therefore, this decision allows the EUIPO to know that sound trademarks with equal distinctive capacity to that of the sound trademark of this case, or superior, should be granted. If a sound consisting of a mere repetition of two identical notes shall not be deemed distinctive (Sound mark, T-408/15), on the other hand, in principle, a sound consisting of a melody in which four different perceptible sounds follow one another, shall be.

A question that now arises is whether a sound consisting of a melody in which **three** different perceptible sounds follow one another shall be considered distinctive.

# IP vulnerabilities in African fashion supply chains

Inês Monteiro Alves

Africa

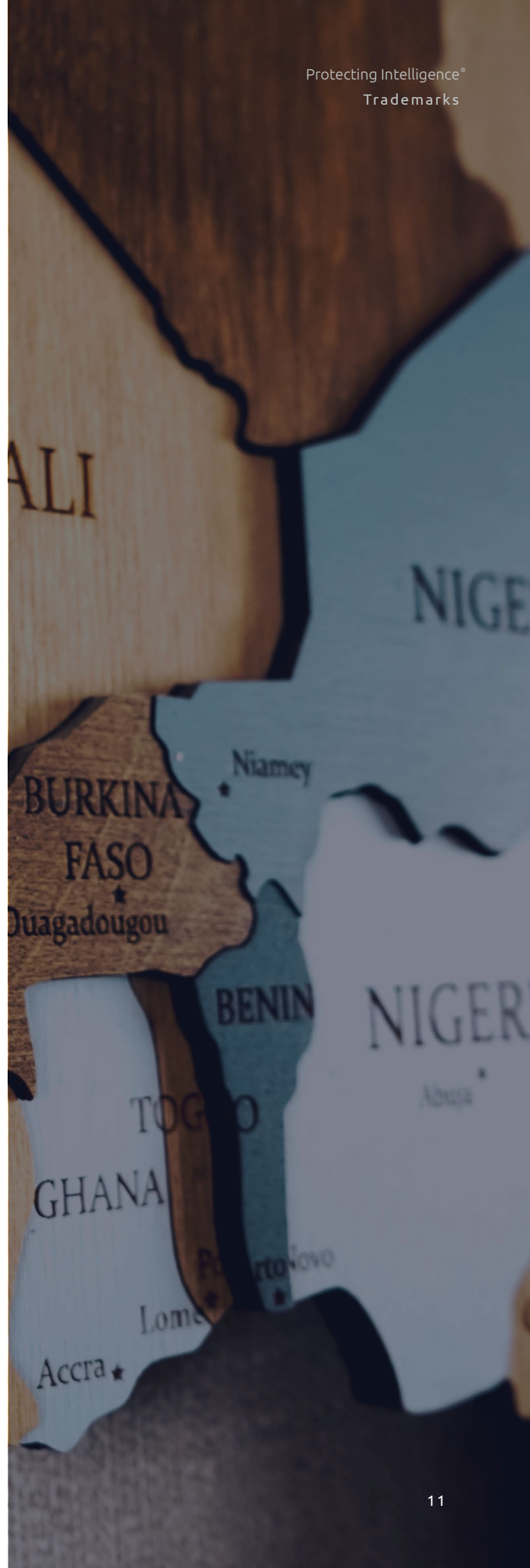
**IP STARS**  
from ManagingIP

Africa's fashion industry is booming, creating more job opportunities across the continent. Driven by youth, culture, and growing global interest, the sector is gaining international recognition through designers, brands, and events.

Ines Monteiro Alves draws attention to the rising risks facing the African fashion industry, including copying, counterfeiting, and weak intellectual property (IP) protections.

The importance of integrating IP strategies early is underscored, along with registering trademarks and designs and strengthening enforcement, as essential steps to protect creativity, build strong brands, and drive sustainable growth.

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# EUIPO rejects Thom Browne's four-stripe position mark: lack of distinctiveness

Diogo Antunes

European Union

**IP STARS**  
from ManagingIP

Can stripes on a sleeve function as a trademark - or are they just fashion?

Thom Browne's battle with the EUIPO over its four-stripe motif raises questions about the distinctiveness of position marks.

Diogo Antunes examines the EUIPO's reasoning, legal standards for distinctiveness, and what this means for fashion brands seeking to protect minimalist or unconventional design elements under EU trademark law.

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# The Legal 500: Trademark Disputes Comparative Guide

Vítor Palmela Fidalgo

Europe

Portugal

The  
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The 2025 edition of The Legal 500: Trademark Disputes Comparative Guide features an updated overview of intellectual property laws and regulations in Portugal.

In this edition, Vitor Palmela Fidalgo examines key elements of the national legal framework, including opposition, cancellation, and enforcement procedures.

This comprehensive guide provides in-depth insights into intellectual property law and practice across multiple jurisdictions, with each chapter addressing current challenges and legal developments within a specific country.

Access full chapter ▶ 

# World IP Day 2025: Defending an iconic band's trade mark in Portugal

Joana Fialho Pinto

Europe

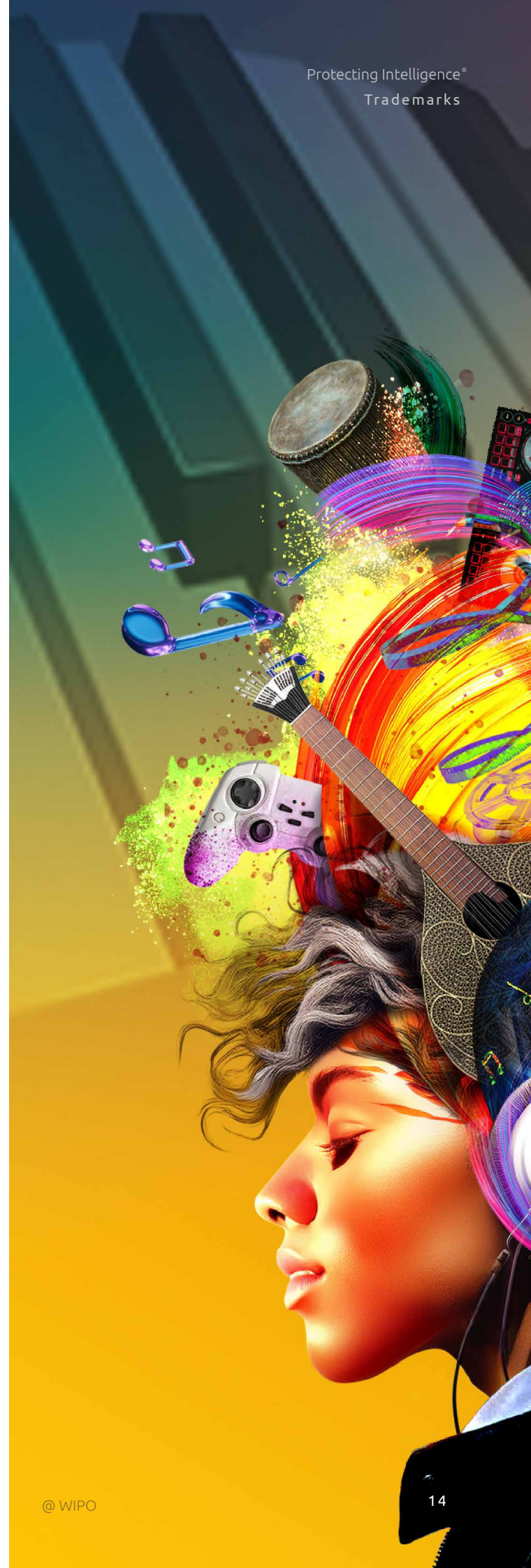
Portugal



In an interview conducted in the context of World IP Day 2025, Joana Fialho Pinto shared perspectives on the intersection between intellectual property and music, drawing on both legal expertise and a strong personal connection to the creative field.

The discussion explores the role of trademark law in the music industry, the impact of artificial intelligence on creativity, and emphasizes how intellectual property fosters both artistic expression and commercial success in today's rapidly evolving landscape.

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# ICLG's 2025 edition of "Trade Marks Laws and Regulations"

Vítor Palmela Fidalgo & João Pereira Cabral

[Europe](#)[Portugal](#)[ICLG.com](#)

Vítor Palmela Fidalgo and João Pereira Cabral co-authored the Portugal chapter of the 14th edition of Trade Marks Laws and Regulations, published by the International Comparative Legal Guide (ICLG).

In this edition, Inventa contributes an in-depth analysis of Portugal's trademark framework, covering key aspects such as requirements, procedural timelines, opposition mechanisms, and the interplay with related rights.

[Access full chapter](#)

## International **Comparative** Legal Guides

# Trade Marks

# 2025

## 14<sup>th</sup> Edition

# Hitting the right note: Sound trademarks at the EUIPO

Joana Fialho Pinto

European Union



Sounds transcend languages, facilitating emotion and engagement without barriers. Marketers and advertisers understand and leverage this power in promoting goods and services. However, only sounds that fulfil the essential distinctive function can be registered as trademarks.

## Investing in sound

A search at the EU Intellectual Property Office (EUIPO) database reveals a significant collection, with 532 cases of EU sound trademarks and international sound trademarks designating the EU. Over half (319) are active registrations, indicating the acceptance and importance of sound as a distinctive market sign and also showing the investment in protecting such trademarks.

Nonetheless, criteria that initially focused on the formalities of sound representation and now primarily address distinctiveness have already led to 81 refusal decisions. Additionally, there are 68 expired

registrations, 28 withdrawn applications, and eight international trademarks removed.

There is noticeable current interest in the protection of this type of EU trademark, with 28 active cases: 16 are in the challenging examination phase, where absolute grounds for refusal, including distinctiveness, are assessed. Ten applications have already been published, and two initially refused for lack of distinctiveness are under ongoing appeals, whose decisions will certainly provide more context for future examinations of such non-traditional trademarks.

## Audio file or notation

A great deal of debate has in the past surrounded the representation (initially graphical) of EU sound trademarks. Technological advancements have allowed us to define the requirements for clear and precise representation. As early as 2005, the EUIPO, then OHIM (Office for Harmonization in the Internal Market), established criteria



for accepting electronic files for sound trademark filings.

Currently article 3(3)(g) EUTMIR defines sound marks as consisting exclusively of a sound or combination of sounds and expressly provides that EUTM applications for sound marks can only be submitted as an audio file reproducing the sound or an accurate representation of the sound in musical notation.

Choosing between the two possible representation forms may still be relevant, opting for an audio file may offer clearer, more specific protection, whereas musical notation can cover a broader range of expressions without specifying instruments. This may be relevant for the scope of the right and future situations like proving use.

”

*(...) There is no specific provision for the distinctiveness of sound trademarks. (...) What is crucial, given that sound is not a traditional trademark, is the different predisposition of relevant consumers to perceive a sound as a trademark.*

When choosing representation, it is also relevant to keep in mind if the EUTM is to be the basis for international registration via the

Madrid Protocol and ponder which form eases processing across designated parties.

EUIPO guidelines remind us that times have evolved, expressly mentioning that sonographs, which at one time needed to accompany sound files, are no longer accepted and, if added, will be removed from the file by the office.

### **Consumer perception is key**

Today, the emphasis is on the inherent distinctiveness of the sound itself. There is no specific provision for the distinctiveness of sound trademarks. The rule is the same as for traditional trademarks, as set out in Article 4 of the EUTMR, which states (in addition to the representation requirement) that *“an EU trademark may consist of any signs, in particular words, including personal names, or designs, letters, numerals, colours, the shape of goods or of the packaging of goods, or sounds, provided that such signs are capable of distinguishing the goods or services of one undertaking from those of other undertakings.”*

What is crucial, given that sound is not a traditional trademark, is the different predisposition of relevant consumers to perceive a sound as a trademark. Depending

on the sector, this can lead to a more or less stringent threshold for a sound sign to be considered distinctive. This varies on a case-by-case basis and considering the different sectors.

As highlighted in the EUIPO's guidelines, in competitive sectors like the food market, companies are more motivated to use sound marks to distinguish and promote their products. In this context, it can be argued that consumers of food products, exposed to such a market reality, will then be more predisposed to perceive a sound as a trademark.

In other cases, the nature of the services may make sound signs more naturally perceived as distinctive trademarks, such as the sound signal identifying a radio station.

A key element to consider is, of course, the sound signal itself. EUIPO guidelines highlight general examples of sound marks "unlikely" to be accepted without evidence of factual distinctiveness, such as:

- Very simple musical pieces with only one or two notes
- Common domain sounds (eg, La Marseillaise, Für Elise)

- Sounds too lengthy to indicate origin
- Sounds typically associated with specific goods/services

These examples are reflected in previously issued decisions, such as the case of the beautiful Italian song verses filed as EUTM application No. 018666378 being refused because the sign's long length and complexity were considered barriers for the EU public to recognise it as indicating the origin of goods or services.

Other marks, such as EUTM No. 017622663, were refused registration for being very short. In this example, it was also considered that any dynamic characteristics would rely on repeated listening and an analytical approach, which the consumer does not typically adopt.

A different example leading to a refusal decision, not concerning the sound's duration, is the case of EU trademark no. 017912475, whose registration was refused as it comprised merely "classic sounds made by drinks when their container is opened", perceived as "mere variants of the usual sounds", and the signal's specifics, such as pause and duration, are "not sufficiently resonant to distinguish them from comparable sounds".

As highlighted earlier, there are numerous cases where marks were considered inherently distinctive and were granted registration, such as the case of EU trademark no. 017396102, noted in the EUIPO guidelines as “The sign is short but it is not too simple and is capable of being memorised by the relevant consumer.” Furthermore, there is the possibility of proving acquired distinctiveness, as in the case of EU trademark no. 008293557.

The assessment of distinctiveness of sound trademarks, like traditional trademarks, is conducted on a case-by-case basis, considering the specificity of the signal, the covered products/ services, and consumer perception, which also evolves over time.

Given these are non-traditional trademarks, fewer cases exist, providing limited examples of decision-making trends.

On a related note, it is interesting to consider the nuances involved in comparing sound trademarks during trademark opposition cases. The lack of cases and decisions hinders guidance on interpretive standards, which may discourage litigation and encourage settlements. An example is the opposition to EU trademark application no. 017877195,

which was concluded as the applicant removed the contested products from the application.

In this context, the harmonisation effort undertaken not only in the EUIPO guidelines but also within the framework of the European Union Intellectual Property Network (EUIPN), which includes the EUIPO and various trademark offices within the EU, is noteworthy. A specific example of this harmonisation effort is the Common Practice (CP11) New Types of Marks: Examination Of Formal Requirements And Grounds For Refusal, which also contains hypothetical examples of comparisons between sound marks and between sound marks and other types of marks.

It is, of course, essential to always consider the specificity of each individual case and the evolving perceptions of consumers. The recognition of sound marks as trademarks in the EU has been growing, underscoring their importance as distinctive commercial identifiers. Always being relevant to keep in mind that sound trademark registrations aim not to protect the sound or music themselves, but rather their function as distinctive commercial signs.

# Offensive to whom? Why 'Maricon Perdido' failed the morality test

Paula Vener

European Union



Occasionally, the principle of morality, as outlined in Article 7(1)(f) of the European Union Trademark Regulation (EUTMR), prompts discussions regarding its interpretation. Since this principle is grounded in subjective values that rely on the fundamental ethical norms accepted by civilised society at any given time, it must be constantly reassessed, reconsidered and even modernised.

Over the years, the EU Intellectual Property Office (EUIPO) examiners and the EU Boards of Appeal have established significant jurisprudence. In certain instances, the refusal of a trademark is unequivocal, such as in cases involving profanity and vulgar language, as the case "F\*uck the small talk".

Another clear precedent is the EUIPO's refusal of the trademark "George Floyd", where the Office argued that the name should not be trivialised due to the political and tragic nature of his death.

In other instances, however, refusals grounded in the principle of morality may be perceived as conservative or misaligned with the evolving norms of society, and potentially as limitation of freedom of expression, as in the controversial case of the trademark "Fack Ju Göhte".

A recent example of the tension between what is deemed acceptable by European Union society as an expression consistent with moral standards and the redefinition of a term was examined by the Grand Board of the EUIPO in relation to the trademark application for "Maricon Perdido", in the case R 2307/2020-G.

## Outline of the case

On 5 May 5 2020, a trademark application for the Spanish term "Maricon Perdido", that translated to English might be translated to "Lost Queer", was submitted [...]

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# The distinctiveness of geographical terms under EU trademark law

João Pereira Cabral

European Union

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from ManagingIP

Geographical terms in trademarks present a complex challenge under EU law, as they can be understood both as indicators of geographical origin and as distinctive trademark elements.

However, the European Union Trade Mark Regulation (EUTMR) sets strict criteria for their registration, particularly when they lack distinctiveness due to descriptiveness.

João Pereira Cabral explores the legal framework for geographical trademarks, the EUIPO's eligibility tests, and key factors in their registration. Understanding these rules helps businesses protect their brand identity in the EU.

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# Protecting luxury brands in Africa

Sofia Araújo

Africa



The global luxury market is expanding, and Africa is increasingly becoming a key area of interest for high-end brands. The continent's growing middle class, economic diversification, and burgeoning urban centers present significant opportunities for luxury brands to establish a presence. However, the protection of these brands requires robust IP strategies, particularly in markets where counterfeit goods and weak enforcement mechanisms remain prevalent.

## The scope of the challenge

Luxury brands such as Louis Vuitton, Gucci, and Chanel have long been symbols of exclusivity. However, their global appeal makes them prime targets for counterfeiters. In Africa, counterfeit luxury goods are frequently found in informal markets, undermining the reputation of these brands and posing risks to consumers. Counterfeiting also has broader economic implications, including lost revenue for legitimate businesses and potential connections to organized crime.

## The legal framework for brand protection

Protecting luxury brands in Africa requires navigating a complex landscape of IP laws. The continent's 54 countries vary significantly in their legal systems. Notwithstanding, regional organisations such as the African Regional Intellectual Property Organization (ARIPO) and the Organization Africaine de la Propriété Intellectuelle (OAPI) provide avenues for trademark registration and enforcement across multiple jurisdictions.

Key legal tools for protecting luxury brands include:

1. **Trademark registration:** Ensuring trademarks are registered in all relevant jurisdictions is the first step. Luxury brands often register not only their logos but also specific product designs and packaging as trademarks.
2. **Customs and border control measures:** Customs authorities play a critical role in intercepting counterfeit goods. Luxury brands can register their trademarks with customs agencies in Africa to enable

officials to identify and seize counterfeit shipments.

3. Civil and criminal enforcement: Legal action against counterfeiters can include civil lawsuits for damages and injunctions to stop the sale of counterfeit goods. In some cases, criminal prosecution may be pursued to deter large-scale operations.
4. International treaties: Treaties such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) provide a framework for IP protection and enforcement, which member states in Africa are obligated to implement

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*While they may lack durability compared to professional soccer cleats, lélé are seen as a source of pride among players, with worn-out soles considered badges of dedication to the sport.*

### Practical strategies for brand protection

In addition to legal measures, luxury brands employ several practical strategies to safeguard their intellectual property:

- Technological innovations: Many brands use technologies such as RFID tags, holograms, and blockchain to authenticate products and track their supply chains.
- Market surveillance: Regular monitoring

of physical and online markets helps identify counterfeit goods. Brands often work with local authorities and private investigators to crack down on illegal operations.

- Consumer education: Educating consumers about the value of authentic products and the risks associated with counterfeits is essential. Awareness campaigns can help reduce demand for counterfeit goods.

### Case Studies: Louis Vuitton, Gucci, and Chanel

1. Louis Vuitton: The brand is renowned for its rigorous anti-counterfeiting measures. It uses advanced authentication technologies and actively pursues legal action against counterfeiters in multiple jurisdictions.
2. Gucci: Gucci has implemented blockchain technology to allow consumers to verify the authenticity of their purchases. The brand also collaborates with customs agencies globally to intercept counterfeit shipments.
3. Chanel: Chanel has taken proactive steps to register its trademarks and designs across Africa, ensuring comprehensive protection. It also invests in consumer education initiatives to promote awareness of counterfeit risks.

4. **Hermès:** Known for its iconic Birkin bags, Hermès has focused on legal measures to safeguard its designs and trademarks. The brand has also employed tracking technologies to monitor the supply chain.
5. **Prada:** Prada actively engages in market surveillance and collaborates with local authorities to identify and remove counterfeit goods from circulation. Its focus on innovative design registration has also been key to protecting its brand.
6. **Burberry:** Burberry's digital anti-counterfeiting initiatives include tracking systems that verify product authenticity. The brand also conducts regular audits of its distribution channels to ensure compliance.

### **Border control and enforcement in Africa**

Border control measures are a critical component of brand protection. By registering trademarks with customs authorities, luxury brands enable officers to identify counterfeit goods and prevent their entry into local markets. Effective enforcement at borders requires:

- **Training programmes:** Providing customs officials with training on identifying counterfeit goods is essential, as counterfeiters often use sophisticated

methods to mimic genuine products.

- **Information sharing for customs enforcement:** Luxury brands can share information about their products, such as design specifics and authentication features, to aid customs inspections.
- **Regional cooperation:** Cross-border collaboration between customs authorities can enhance enforcement efforts and reduce the movement of counterfeit goods between countries.

The protection of luxury brands in Africa is a multifaceted challenge that requires a combination of legal, technological, and practical measures.

By leveraging robust IP frameworks, collaborating with local authorities, and educating consumers, luxury brands can safeguard their reputations and thrive in this emerging market. As Africa's economic potential continues to grow, ensuring the integrity of luxury brands will remain a priority for the global luxury industry.



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# Partner up: A guide to IP clauses in co-development agreements

Ana Neves

Worldwide



Innovation is the engine that keeps products in high demand, processes up to date with recent technological trends and, in the end, companies relevant in their markets. However, maintaining the innovation flow within an organisation is challenging as it requires a good amount of resources, human and otherwise.

It is often by resorting to the establishment of partnerships that companies and public institutions can overcome the obstacles preventing them from developing new products and technologies.

Partnerships and co-development agreements are an easy and cost-effective way to access resources, expertise, and IP assets without having to heavily invest in new hires or facilities. This article explores some of the key IP aspects of co-development agreements, focusing on the distinct challenges and opportunities that arise from different types of partnerships.

## General IP concerns

When entering a co-development agreement, navigating IP considerations is paramount to safeguarding contributions and delineating rights. These agreements often involve institutions across various jurisdictions, making it critical to understand the IP laws specific to the territory where each institution is based.

In the early stages of drafting a co-development agreement, it is vital to establish clear ownership rights. This involves determining who will own newly developed IP and how existing IP will be integrated into the collaboration. Institutions must decide whether the ownership will be singular, shared, or divided based on specific contributions and negotiated terms. [...]

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# Are you in a rush? Learn about how to accelerate the examination before the European Patent Office

Vítor Sérgio Moreira

Europe

**IP STARS**  
from ManagingIP

Obtaining a European patent usually takes 3–5 years, but the European Patent Office offers ways to accelerate the process, such as fast-track programs and special procedures for international applications.

Vítor Sérgio Moreira explains that faster patent approval can be valuable for protecting new technologies, stopping competitors, or supporting licensing and business deals. However, he cautions that speeding up may also bring risks, such as earlier refusals, narrower protection, or accelerated post-grant costs.

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# Africa: The unsung innovators that the world missed

Miguel Bibe

Africa



In a world increasingly shaped by artificial intelligence (AI) and advanced automotive technologies, it's easy to assume that the ideas driving innovation are born in the tech corridors of Silicon Valley or the R&D labs of Europe. Yet occasionally, a story emerges that challenges this assumption and forces us to reconsider where genius truly resides. One such story begins in Angola, back in 2007.

That year, a 22-year-old student named Frederico Thoth Jorge de Miranda filed a US patent for a vehicle safety system that anticipated what has since become standard in modern transport technologies.

## Before Tesla and Uber's inventions

His invention proposed a camera-based system to record video before, during, and after a vehicle was in motion, intended to prevent theft, enhance passenger safety, and provide real-time footage in case of incidents. At the time, Tesla hadn't launched Autopilot. Uber's in-car surveillance tools were

non-existent. The use of AI in mobility was still speculative. And yet, Miranda had already envisioned the future from the lived experience of navigating urban traffic in Angola.

His patent application (US11/710166) was never granted, not due to lack of innovation, but because of procedural technicalities. Still, the application remains a matter of public record, serving as undeniable proof of African ingenuity that arrived well before its time.

## Wind turbines and hybrid engines

Across Africa, inventive minds regularly develop bold, practical solutions to real-world problems, solutions that often go unnoticed, unsupported, and unfunded.

Take William Kamkwamba, the Malawian teenager who built a wind turbine from scrap parts to power his family's home. Or Samson Oghenevwakpo in Nigeria, who created a functional hybrid engine that drew

international attention but failed to secure local investment.

What connects these stories is not just brilliance, it's context. These innovations weren't born out of academic privilege or elite funding; they were responses to urgent needs.

Miranda's camera system was not just a technical prototype; it was a tool designed for the daily risks of African roads. His patent represented a different path for Angola, it hinted at what could be possible if innovation were more cultivated, protected, and celebrated on African terms. In a rare interview in 2024, Miranda reflected: "I wasn't trying to be ahead of anything. I saw a risk, so I designed a tool. I never expected the world to move in that direction without me."

### **More than a missed opportunity**

Sadly, in 2025, not much has changed. Africa still lacks the robust infrastructure and investment networks needed to support deep tech, engineering, and scientific research. Too often, ideas with global relevance are overlooked locally, only to reappear years later, implemented elsewhere, divorced from their original creators. However, as international investors and research institutions begin to prioritise diversity and

geographic inclusion, it's time to look beyond fintech and creative industries and invest seriously in African science, design, and engineering.

Because the next breakthrough might already exist, in a dusty notebook in Luanda or Lagos, waiting for someone to believe in it. Frederico Miranda's story is more than a missed opportunity. It's a compelling reminder of why intellectual property (IP) protection is not a luxury, but a necessity, especially for innovators from underrepresented regions. When ideas are not secured through formal rights like patents, trademarks, or industrial designs, they risk being lost, overlooked, or exploited by others. IP rights offer inventors legal recognition, commercial leverage, and a pathway to scale their innovations. This often makes the difference between a forgotten idea and a transformative global solution.

For African innovators, and for the ecosystems that surround them, the lesson is clear: protecting innovation is just as important as creating it. Stronger IP awareness, infrastructure, and support can help ensure that the next great idea doesn't just emerge in Africa, but it thrives there.



# From patent to podium: The role of innovation in athlete training

Marisol Cardoso

Worldwide



What if your shoes could guide you to improve your running form? And what if your indoor bike could balance, steer, accelerate, and brake, fully engaging your whole body?

In today's sports scenario, innovation has become a critical driver of performance and success. Technologies that monitor, guide, and optimise every movement are changing the way athletes (and everyday enthusiasts) prepare themselves, not only by enhancing performance and reducing injury risks, but also by personalising training in ways once thought impossible.

Innovation plays a key role in sport transformation and what makes this shift especially exciting is how accessible many of these inventions have become. Whether you are a professional preparing for an international competition or a weekend runner seeking longevity and good health, there's a growing ecosystem of tools designed to help you improve safely and effectively.

And, at the core of many of these advances, there are patented (or patent-to-be) inventions.

## Pushing boundaries

As competitiveness intensifies, athletes and teams are under constant pressure to push physical and mental boundaries.

Training is no longer just about spending hours on the track, in the pool, or at the gym. Today, training smarter is better than training harder, and cutting-edge solutions are now essential for staying ahead in the game.

Adidas' patent EP3657510B1 makes reference to a robotic athletic training system for assisting an individual during an athletic activity by giving the individual a tangible target to focus his/her workout. [...]

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# Leaders League Expert Insights: Vítor Palmela Fidalgo

Vítor Palmela Fidalgo

Europe

Portugal



With deep expertise in intellectual property law and a role as an expert at the UPC Mediation and Arbitration Centre, Vitor Palmela Fidalgo shares the challenges and priorities of advising clients on IP matters both locally and internationally, and explains how the Unified Patent Court (UPC) is shaping patent litigation, enforcement, and broader IP trends in Portugal and across Europe.

Read interview



# AI patent trends signal tomorrow's technologies

Ana Neves

Europe



Artificial intelligence (AI) is the ultimate buzzword at the moment. But from a patent-based perspective, it is more than just the new fad: it is a pointer to technological developments and signals what consumers should expect from new products coming to the market in the near future.

For all the patent attorneys out there, it is also an indicator of the technologies we will be expected to deal with and translate into patent documents. So let's have a look at what has been happening in the past few years.

## When it all started

Publication of AI-related patents started to gain traction in 2016 (6,004 publications) and 2017 (11, 334 publications), with a consistent increase in following years (Figure 1). [...]

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# ARIPO 2025

## Key changes to patents and designs

Inês Sequeira

Africa



As of March 1, 2025, the [African Regional Intellectual Property Organization \(ARIPO\)](#) has enacted a series of major amendments to its governing legal instrument, the [Harare Protocol](#), which regulates the procedure for the protection of patents and industrial designs among its member states.

These changes, announced earlier in the year by ARIPO director general [Bemanya Twebaze](#), affect not only the substantive examination and administrative procedures but also introduce significant revisions to the official fee structure applicable to patents and industrial designs.

With ARIPO increasingly recognised as a central platform for intellectual property protection in Africa, these adjustments represent a pivotal shift in how regional IP rights are pursued and maintained.

For applicants, agents, and legal practitioners, understanding the scope and

implications of these reforms is critical for effective portfolio management.

### **Expanded procedural flexibility through divergent claims**

One of the most notable developments is the introduction of a mechanism that allows patent applications filed via ARIPO to proceed with distinct sets of claims in different designated states. This new provision provides applicants with the ability to tailor their claim sets in response to objections or requirements specific to national laws or examination practices in individual member countries.

Until now, applicants had to rely on a uniform set of claims across all designated states, which often led to challenges when one or more countries raised objections that could not be resolved without affecting the entire application. The revised approach means that, where necessary, separate claim sets

can be maintained for specific jurisdictions - without jeopardising protection in others. This change aligns ARIPO's procedures more closely with those of other regional and international IP systems, such as the [European Patent Convention](#), which permits national claim adaptation.

It will be especially beneficial for multinational companies and regional innovators who seek to maximise protection across the continent while navigating varying national legal frameworks.

### **Revised timeframes for responses and notifications**

Another critical update involves the standardisation and, in some cases, extension of time limits for responding to ARIPO notifications. These revised deadlines apply to a variety of procedural stages, including the filing of responses to examination reports, the submission of formal corrections, and the payment of outstanding fees.

The previous regime was often criticised for being unclear or inconsistently applied, which could result in avoidable rejections or missed opportunities to amend applications.

With clearer deadlines now in place, applicants will benefit from improved transparency and better planning capacity during prosecution. Practitioners working across timezones or handling large volumes of filings are expected to particularly appreciate the added certainty. Moreover, the changes may contribute to reducing the rate of inadvertent non-compliance, thus improving overall application success rates.

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*(...) the increased financial burden may necessitate more selective filing strategies, especially given that ARIPO does not offer reduced or preferential fees for small entities, academic institutions, or other non-commercial applicants.*

### **Substantial fee increases and the introduction of new charges**

Perhaps the most immediate and impactful reform concerns the ARIPO fee structure. The organisation has introduced a wide range of fee increases across its services for patents and industrial designs.

This includes higher charges for application filings, excess claims, substantive examinations, and annual maintenance.



In addition, ARIPO has unveiled new fee items that did not previously exist, such as fees for claim amendments post-filing or for requesting extensions of time.

The rationale for the adjustments appears to be twofold: to ensure financial sustainability of ARIPO's growing operational framework, and to account for inflationary and administrative cost increases since the last revision. Nevertheless, the rise in fees is considerable, in some cases exceeding 50% over previous amounts.

For applicants - particularly start-ups, academic institutions, or individual inventors operating on limited budgets - the increased financial burden may necessitate more selective filing strategies, especially given that ARIPO does not offer reduced or preferential fees for small entities, academic institutions, or other non-commercial applicants.

Larger organisations, while better positioned to absorb the costs, will also need to review their regional filing policies to ensure continued cost-effectiveness. In response to the fee hikes, some IP professionals had advised clients to submit filings ahead of the March 1, 2025 implementation date to

benefit from the lower legacy fees. Proactive financial planning and clear communication with ARIPO agents will be essential.

### **Administrative modernisation and back-office improvements**

In parallel with the procedural and financial reforms, ARIPO has also implemented a number of internal administrative changes aimed at streamlining operations.

These include efforts to digitalise processes, improve the responsiveness of the Secretariat, and ensure faster turnaround times on communications and actions.

Although these reforms are more inward-facing, they are expected to have a direct positive impact on the user experience. Quicker responses to queries, more efficient document processing, and better handling of appeals or procedural requests will all contribute to a more professional and predictable system.

These improvements are part of a broader trend seen across global IP offices, as organisations strive to modernise their infrastructure and deliver services that match the expectations of a digital-first user base.

## Strategic implications for applicants

The cumulative effect of these reforms is to transform the ARIPO system into a more sophisticated and adaptable mechanism for securing IP rights in Africa. While the increased costs may be challenging for some, the added procedural flexibility and improved administration offer clear advantages.

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*Through a combination of procedural reform, financial recalibration, and administrative enhancement, the organisation is positioning itself to better meet the demands of a growing and increasingly complex innovation ecosystem in Africa.*

Applicants should take this moment to reassess their approach to regional filings. The ability to accommodate country-specific objections via divergent claim sets, combined with more reliable procedural timelines, may reduce the need for costly national filings.

However, the higher costs may also prompt a more focused designation strategy - prioritising markets where protection offers the greatest return on investment.

In addition, regular updates to internal filing guidelines, staff training, and consultation with regional agents will be essential to navigate the new landscape effectively.

## Conclusion

The 2025 amendments to the Harare Protocol mark a decisive evolution in ARIPO's development as a regional IP authority. Through a combination of procedural reform, financial recalibration, and administrative enhancement, the organisation is positioning itself to better meet the demands of a growing and increasingly complex innovation ecosystem in Africa.

For those active in the region, the changes underscore the importance of agility, foresight, and strategic planning in the management of IP rights.

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← Trademarks

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# IP dispute resolution in Africa: Strengthening investor confidence

Sofia Araújo

Africa



Africa is rapidly emerging as a continent of innovation, creativity and entrepreneurial opportunity. From technology startups in Nairobi and Lagos to renewable energy initiatives in South Africa and Morocco, investors are increasingly attracted to African markets.

Yet, one question persists: can the continent provide the legal certainty necessary for cross-border investment in IP? The answer lies in the mechanisms of IP dispute resolution, which are evolving to protect rights holders, streamline enforcement and foster investor confidence.

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Africa

Nigeria

## Angela Adebayo Agbe-Davies: Pioneering IP leadership in Nigeria



In celebration of Nigeria's 65th Independence Anniversary on 1 October 2025, The Guardian released a special edition spotlighting outstanding contributions across the country.

Angela Adebayo-Agbe Davies, Regional Director at Inventa Nigeria, was recognized for her pivotal role in establishing Inventa as the first international intellectual property firm in Nigeria, positioning the company as a key player in the global IP landscape.

[Read more](#)

## Women bring a different kind of strength to the boardroom



Recognized as one of Nigeria's leading intellectual property practitioners, Angela Adebayo Agbe-Davies has expanded access to IP education and services across West Africa.

In this conversation, she reflects on her journey, the convictions that shaped her leadership, and the evolving role of women in the legal and corporate landscape.

[Read interview](#)

Angela Adebayo  
Agbe-Davies



# Implemented or ignored? The paradox of international IP conventions in Angola and Zambia

Vera Albino

Africa

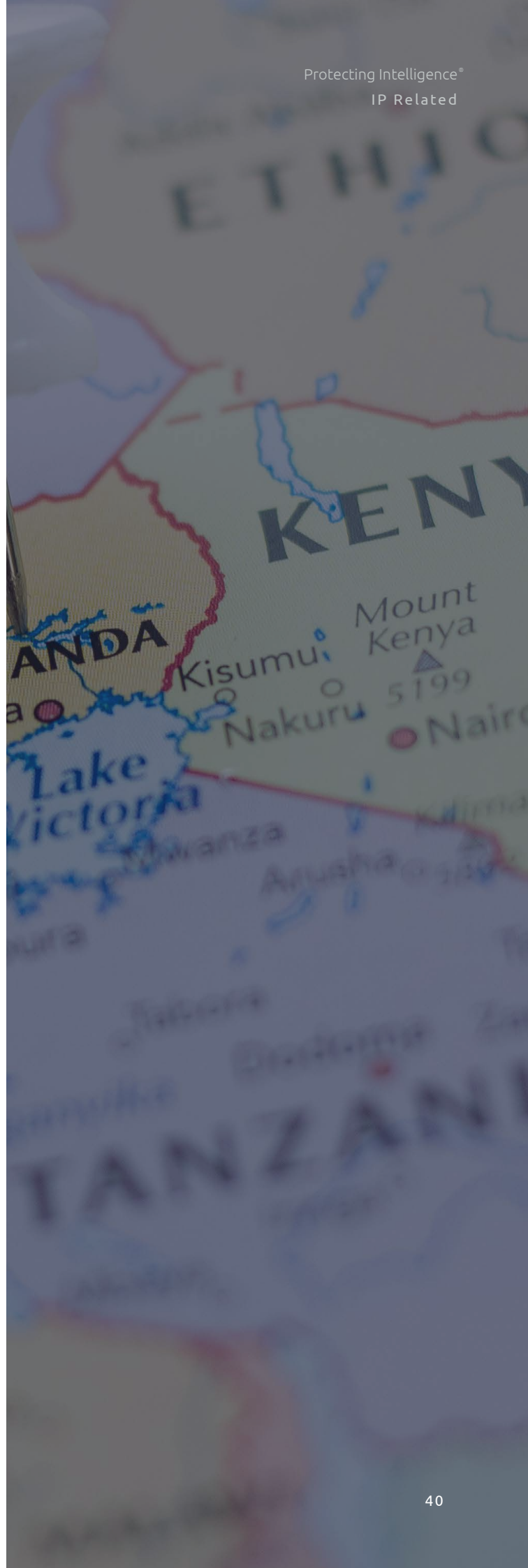
**IP STARS**  
from ManagingIP

International IP conventions set the foundations for consistent protection worldwide, yet their real effect depends on how each State incorporates them into its legal system.

This interaction between international commitments and national sovereignty often determines whether rights-holders experience certainty or conflict.

Vera Albino examines the contrasting approaches of Angola and Zambia, exploring how monist and dualist systems shape the enforceability of key IP treaties and the practical challenges this creates for applicants and practitioners.

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# Balancing access and trade secrets in automated credit-scoring

Diogo Antunes

Europe



CK v Dun & Bradstreet Austria - [case no. C-203/22](#) from the Court of Justice of the European Union (CJEU) - arises from a dispute in Austria over access to “meaningful information about the logic involved” in an automated credit-scoring process. The City Council of Vienna was dealing with the enforcement of a court order that required Dun & Bradstreet Austria (D&B), a credit-assessment company, to provide CK (an individual) with an explanation of the procedure and principles actually applied when profiling her personal data to generate a credit score.

The scoring had been used by a mobile telephony provider to refuse to conclude or renew a contract with CK. D&B provided only limited explanations and invoked trade-secret protection, according to Austrian law, also generally limited access where business or trade secrets could be affected. Faced with conflicting norms and competing rights, the administrative court

Verwaltungsgericht Wien referred multiple questions to the CJEU on the scope of GDPR Article 15(1)(h), its relationship with Article 22, and the interface with trade-secret protection. The court delivered its judgment on February 27, 2025.

## Legal framework and questions referred to the CJEU

Key instruments:

- GDPR - Article 15(1)(h) (right of access to meaningful information about the logic involved in automated decision-making, plus the significance and envisaged consequences); Article 22 (decisions based solely on automated processing, including profiling, and related safeguards).
- Directive (EU) 2016/943 - Article 2(1) (definition of a trade secret) and the framework for protecting undisclosed know-how and business information.
- Austrian Data Protection Act (DSG) - § 4(6), which as a rule excluded Article 15

GDPR access if disclosure would compromise a business or trade secret.

## Questions

Before turning to the specific questions, it is worth clarifying why the Austrian court considered a reference necessary. The dispute exposed a tension between two competing legal imperatives:

- On the one hand, the data subject's right of access under the GDPR, which explicitly grants "meaningful information about the logic involved" in automated decision-making (Article 15(1)(h)), and safeguards against fully automated decisions (Article 22).
- On the other hand, the protection of trade secrets under both EU law, Directive 2016/943, and Austrian law (§ 4(6) DSG, which appeared to provide for an almost automatic exclusion of access where disclosure would risk revealing business secrets.

The Verwaltungsgericht Wien therefore asked the CJEU to determine the content and limits of Article 15(1)(h), its relationship with Article 22, and the extent to which trade-secret protection can restrict

disclosure. These issues crystallised into four broad groups of questions:

### **(i) What must "meaningful information" contain under Article 15(1)(h)?**

Whether the controller is required to give an explanation of the procedure and principles effectively applied when using the data subject's personal data to generate a result, including an indication of the data used, the manner of their use, and the criteria or rationale applied, provided in a concise, transparent, intelligible and easily accessible form, but without the need to disclose a mathematical formula or the complete algorithm.

### **(ii) Link to Article 22(3) GDPR safeguards**

Whether the Article 15(1)(h) information must be sufficient to let the data subject express their point of view and contest the automated decision effectively.

### **(iii) Accuracy checks and third-party data**

Whether "meaningful information" must be broad enough to verify the accuracy of the data used and, where that verification would reveal third-party personal data or trade secrets, whether a "black-box" solution is lawful, for example the disclosure to the supervisory authority or a court, which then

balances rights and decides what, if anything, can be shared with the data subject.

#### **(iv) Compatibility of a general trade-secret carve-out**

Whether a national rule like § 4(6) DSG, which as a rule denies access where trade secrets are at stake, is compatible with EU law or whether the GDPR instead requires a case-by-case proportionality test overseen by a supervisory authority or court, avoiding a blanket refusal of all information.

#### **Judgment: five key takeaways**

(1) Article 15(1)(h) GDPR is a real right to an explanation.

The court confirms that “meaningful information about the logic involved” requires a substantive account of the procedure and principles actually applied to generate the score, and must be delivered in a concise, transparent, intelligible and easily accessible form. It is more than boilerplate, though it does not compel disclosure of source code or exact formulas.

(2) Access enables Article 22 safeguards.

The explanation provided under Article 15(1)(h) must be sufficiently concrete to let the data subject understand the decision, verify inputs, and effectively contest it thus

activating the Article 22(3) rights to express a view and seek human review.

(3) Accuracy checks without over-exposure.

Where verifying accuracy risks revealing third-party personal data or protected material, the controller must submit the full materials to the supervisory authority or a court.

That body then performs a case-by-case balancing and tailors what can be shared (e.g., summaries, redactions, anonymisation). A blanket refusal is not permitted.

(4) Trade secrets do not operate as a veto.

The court rejects any approach that treats trade secrets as an automatic bar to access. Confidentiality is preserved procedurally, not by denying the right: authorities/courts can review full content and order controlled disclosure proportionate to the competing interests.

(5) National carve-outs must yield to EU law.

A domestic rule like § 4(6) DSG which, “as a rule”, excluded access where business secrets might be affected is incompatible with the GDPR. Member states must ensure individualised proportionality rather than categorical exclusions.

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*Trade secrets and third-party data do not operate as a veto. When disclosure risks exposing protected material, the controller must place the full materials before the supervisory authority or a court.*

## Overview

CK v D&B resolves a structural tension at the heart of automated decision-making. How to give the data subject a real chance to understand and contest a score while not destroying legitimate confidentiality? The court’s answer is neither a demand for source code nor a licence to stonewall. Instead, it is a functional right to explanation, grounded in Articles 15(1)(h) and 22 GDPR, delivered through proportionate procedural controls rather than blanket secrecy.

“Meaningful information about the logic involved” is not satisfied by generalities. Controllers must provide a substantive account of the procedure and principles applied in the individual case, in a concise, transparent, intelligible and easily accessible form. In practice, a compliant explanation should identify:

- the types of personal data actually used to produce the score;
- the main criteria/variables considered, and a qualitative indication of their

relative influence on the outcome;

- the rationale connecting those criteria to the specific result; and
- the significance and envisaged consequences of the score for the data subject.
- This does not entail handing over source code, proprietary formulas, or model files; the focus is on understandability and contestability of the decision, not reverse-engineering the system.

Trade secrets and third-party data do not operate as a veto. When disclosure risks exposing protected material, the controller must place the full materials before the supervisory authority or a court. That forum conducts a case-by-case balancing and may order controlled disclosure. The court thus rejects a binary secrecy/transparency model and endorses a graduated toolkit of safeguards. A domestic provision that as a rule denies access whenever trade or business secrets are implicated, as with § 4(6) DSG is incompatible with the GDPR framework. Member states must ensure individualised proportionality, supervised by an authority or court, rather than categorical exclusions. The laws and practices that treat “trade secrets” as an automatic shield against Article 15(1)(h) are due for revision.



# Painting the future: NFTs and the new canvas for African artists

Isabella Becaro Pinho

Africa



The way we create art reflects how we engage with the world around us. For many artists, creation is rooted in personal identity, cultural heritage, and lived experience.

With the rise of NFTs (non-fungible tokens), a new space for artistic and cultural storytelling has emerged. This space allows creators to present their art alongside the narratives and identities that shaped it.

In Africa, this new space has become a powerful tool for artists to amplify their voices and share cultural narratives with the world. Still, this opportunity comes with legal challenges, especially concerning copyright, authorship and enforcement [...]

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# AI and IP law: What is the Nigerian legal perspective?

Izuchukwu Chinedo

Africa

Nigeria



The concept of artificial intelligence (AI) is a global phenomenon that has taken over every aspect of life. AI is the possibility and capability of computer systems to perform human-designed tasks with little or no errors. Early innovators and researchers of AI believed that human intelligence and behaviour could be neatly copied and translated by intelligent machines that had been designed to do so. In Nigeria and globally, AI has been widely accepted and indoctrinated across various fields of life.

It is an open argument whether the results issued by AI systems are their original thoughts or the programming commands originally embedded in their database by their programmers. This has led to several posers on the validity of IP materials developed or created by AI. [...]

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# Platforms Pay the Price: Insights from Vítor Palmela Fidalgo

Vítor Palmela Fidalgo

European Union



Vítor Palmela Fidalgo shares his insights in "Platforms Pay the Price", published in WIPR – World IP Review, Issue 1 (2025), which explores the growing accountability of online platforms as evolving European regulations push them to take greater responsibility for counterfeit goods sold by third-party vendors.

As Vítor highlights, proactive enforcement, strategic compliance, and AI tools are becoming increasingly important in mitigating risk and protecting brand integrity, as content moderation grows more complex with AI at its core.

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# IP and the commercialisation of genomic tech in Nigeria

Olusola Tunmise-Ajani

Africa

Nigeria



The intersection of intellectual property (IP) and genomics is reshaping the landscape of healthcare, biotechnology, and business in Nigeria. Genomics - the study of an organism's entire genetic material - has profound implications for medical research, personalised medicine, agriculture, and pharmaceutical innovations.

However, ensuring equitable benefits and commercial viability requires a robust IP framework.

This article explores how IP protections can incentivise genomic research, how businesses can leverage these advancements, and the societal impacts of genomics on health and economic development in Nigeria. [...]

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# Survey on Sustainable Destruction of Counterfeit Goods

Daniel Reis Nobre

Worldwide



Daniel Reis Nobre, Managing Partner at Inventa, and Chair of the Policy subcommittee at INTA's Brands & Sustainability Committee, collaborated on the "Sustainable Destruction of Counterfeit Goods" survey. Published by INTA as part of a cross-committee project between the Brands & Sustainability and Anticounterfeiting Committees, also in collaboration with REACT, the working group conducted a survey directed to brand owners to assess industry attitudes towards counterfeit destruction, focusing on the concerns around counterfeit products and the environmental challenges associated with their disposal. The findings of this survey highlight unsafe destruction methods, limited adoption of sustainable practices, and financial concerns, emphasizing the need for clearer policies and industry-wide solutions.

View survey report ▶





# World IP Day 2025: The hidden cost of a stream

Inês Monteiro Alves

Worldwide

Music, one of the most powerful forms of human expression, transcending time and space, is intrinsically linked to copyright.

With the rapid circulation of musical content across radio, streaming platforms, social media, and online videos, the need for legislation that provides creators with a strong legal framework to protect copyright in the digital environment has become more critical than ever.

Every year, WIPO dedicates a theme to World Intellectual Property Day, celebrated on April 26. In 2025, the chosen theme was “IP and Music: Feel the Beat of IP,” highlighting the importance of intellectual property in the music sector.

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# South Africa's Copyright Amendment Bill: Balancing creators' rights and public access in the digital age

Miguel Bibe

Africa

South Africa



The Copyright Amendment Bill (CAB) in South Africa has been one of the most debated legislative proposals in recent years, aiming to modernise the country's copyright framework.

As of 2024, the bill is among 20 pieces of legislation awaiting President Cyril Ramaphosa's signature, but its enactment has been delayed due to concerns over its constitutionality. The bill has been referred to the Constitutional Court for review, a decision that will significantly impact South Africa's creative and intellectual property landscape.

The existing Copyright Act of 1978 is widely considered outdated, failing to address the complexities of the digital age. The CAB seeks to bring South Africa's copyright laws in line with international standards while also incorporating provisions that prioritise accessibility, fair use, and the protection of creators' rights.

However, the bill has faced opposition from various stakeholders, including artists, publishers, international trade partners, and industry professionals who argue that some of its provisions could have unintended negative consequences.

## **Fair use, accessibility, collecting societies**

One of the most significant aspects of the CAB is the introduction of a fair use doctrine. This provision allows copyrighted material to be used without explicit permission in specific cases such as education, research, news reporting, and parody. Proponents argue that this aligns South Africa with jurisdictions like the US, where fair use provides flexibility and fosters innovation.

However, critics, particularly in the publishing and entertainment industries, fear that the broad wording of the provision could lead to widespread copyright infringement, harming local creators who depend on royalties.

Another critical provision is the protection of people with disabilities. The bill introduces measures to ensure that copyrighted works can be adapted into accessible formats, such as Braille or audiobooks, without requiring permission from the copyright holder.

This aligns with the Marrakesh Treaty, which South Africa has ratified and represents a significant step toward inclusivity. Despite general support for this provision, some industry players worry about how it will be implemented in practice and whether it could be misused.

The bill also seeks to regulate collecting societies more strictly. These organisations manage royalties on behalf of creators, ensuring they receive fair compensation when their works are used. The CAB introduces measures to improve transparency and accountability within these organisations, addressing longstanding concerns about mismanagement and unfair distribution of royalties. While this is widely seen as a positive move for artists, some collecting societies have opposed the additional regulatory burden.

Another major reform proposed is the resale of royalty rights for artists. This provision

ensures that visual artists receive a percentage of the sale price every time their artwork is resold.

This recognises the continued value of artistic works and prevents artists from missing out on financial benefits when their work appreciates over time. Countries like France and Australia have implemented similar rights, and many South African artists have welcomed this provision as a means of securing their financial future.

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*Some trade bodies have argued that the bill's provisions on fair use and copyright exceptions could create conflicts with South Africa's trade obligations, potentially affecting investment in the creative sector.*

The bill also criminalises the circumvention of technological protection measures (TPMs). TPMs are security features used to prevent unauthorised access to digital content, such as encryption on e-books or digital music files.

By making the unauthorised bypassing of these measures illegal, South Africa aligns itself with international anti-piracy efforts. However, concerns have been raised about

whether this provision could inadvertently restrict legitimate use of copyrighted material, such as the repair and modification of software for educational purposes.

Despite these progressive reforms, the CAB has faced resistance from both local and international stakeholders. One of the most contentious points is whether the bill aligns with international trade agreements, particularly in relation to the US and the European Union. Some trade bodies have argued that the bill's provisions on fair use and copyright exceptions could create conflicts with South Africa's trade obligations, potentially affecting investment in the creative sector.

Moreover, local authors, musicians, and filmmakers have expressed concerns that the CAB does not adequately protect their rights. Many fear that the fair use provisions will make it easier for their work to be used without proper compensation, leading to financial losses.

Some industry representatives argue that rather than adopting a broad fair use model, South Africa should have followed a fair dealing approach, which provides clearer guidelines on permissible use.

Another major issue is the bill's potential economic impact. The South African creative industry contributes significantly to the country's GDP, supporting thousands of jobs.

If the CAB discourages international publishers, music producers, and filmmakers from investing in South Africa due to concerns over copyright protection, this could lead to job losses and reduced revenue for the industry.

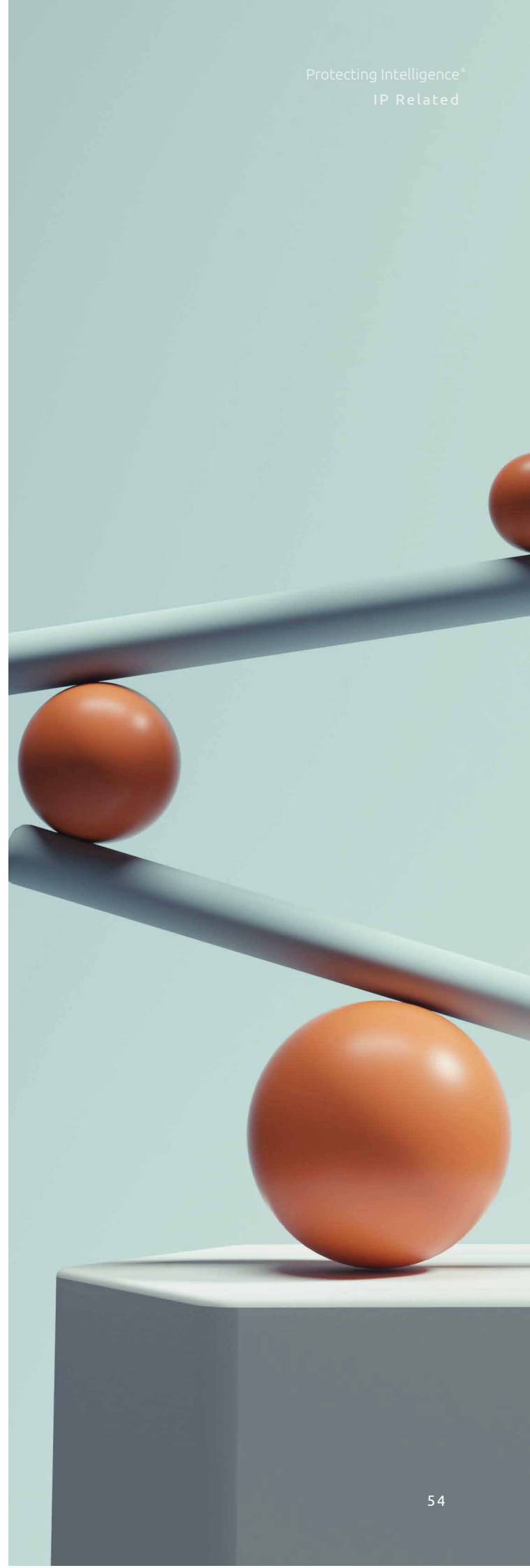
On the other hand, proponents argue that the bill will promote local innovation and empower small creators by making knowledge and cultural works more accessible. The decision to refer the CAB to the Constitutional Court underscores the complexity of these issues. The court will assess whether the bill complies with the South African Constitution, particularly in terms of property rights, access to information, and freedom of expression.

This legal review is crucial, as it will determine whether the bill can be signed into law as it stands or whether further amendments are necessary. In the broader context, the CAB reflects a global shift in copyright law. Many countries are grappling with how to balance the rights of creators with public access to

information, especially in the digital age. While some nations have embraced flexible copyright frameworks, others have maintained stricter controls to protect intellectual property. South Africa's approach, if implemented successfully, could serve as a model for other developing countries seeking to modernise their copyright laws.

The Copyright Amendment Bill represents one of the most ambitious legislative reforms in South Africa's recent history. Its potential to modernise the country's copyright regime, improve access to information, and protect artists' rights makes it a landmark piece of legislation. However, the concerns raised by various stakeholders highlight the challenges of crafting laws that balance competing interests. As the bill awaits a ruling from the Constitutional Court and eventual presidential approval, its fate remains uncertain.

What is clear, however, is that the outcome of this process will have a lasting impact on South Africa's creative economy, access to knowledge, and international trade relations.





# Charting the stars: Strengthening Africa's IP frameworks for space innovation

Vera Albino

Africa

**IP STARS**  
from ManagingIP

Africa is beginning to make its mark in the international space sector, driven by growing investment and innovation. The 2025 inauguration of the African Space Agency represents a key milestone in this expansion.

Vera Albino highlights the challenges of enforcing IP rights in space, where legal uncertainties and multinational involvement create significant challenges for protecting innovations. These issues underline the need for robust, unified IP regulations and global cooperation to strengthen Africa's position in the space sector.

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# From coffee to wine: How GIs shape Africa's agricultural legacy

Isabella Becaro Pinho

Africa



From north to south, and from east to west, Africa's cultural legacy is present in diverse and captivating ways, especially when it comes to its agricultural heritage.

From the raw materials used to make clothing, to the traditional ingredients for culinary recipes, Africa holds hidden treasures in agricultural knowledge and customs. Its varying climates give rise to unique combinations of flavours, species, and production methods, all contributing to an agricultural legacy that is both distinctive and invaluable.

## Geographical indications and AfrIPI

Geographical indications (GIs) serve as powerful tools in IP law, offering protection against improper exploitation by foreign industries and increasing the economic value of products that are tied to specific regions. GIs are defined as signs that indicate a product's origin, with its quality, reputation, or other characteristic linked to the

geographical area where it is produced. The African Intellectual Property Rights and Innovation Project (AfrIPI), managed by the EU Intellectual Property Office (EUIPO) and funded by the European Union (EU), plays a crucial role in connecting European investment with African development. Its efforts aim to boost trade and strengthen IP assets in Africa, with a particular emphasis on enhancing the recognition and protection of GIs as a key driver of economic development, focusing on:

- Promoting sustainable development and food security through GIs;
- Increasing incomes for local markets;
- Raising awareness among stakeholders across the production chain; and
- Ensuring effective communication and broader outreach.

## Incentives within Africa: Key organisations and GI protection

OAPI and its legal framework for GIs

The Organisation Africaine de la Propriété Intellectuelle (OAPI) is the leading body for the protection of GIs in Africa. Under Annex VI of the Bangui Agreement, OAPI offers a comprehensive legal framework for the registration and protection of GIs, providing greater security for applicants and fostering the registration of new GIs.

Below are some GIs already registered under OAPI:

- Oku White Honey / Miel Blanc d'Oku – Cameroon (OAPI): A unique honey produced from the Kilum-Ijim forest in Cameroon. Bee farmers have been producing honey without a market or proper structure, due to difficulties in collecting honey from individual farmers. With the granting of the geographical indication, it will provide better conditions, and increased incomes. Since the development, the number of bushfires has been reduced, as bee farmers now understand the value of protecting the area and the beehives.
- Cacao Rouge – A distinctive type of cocoa with red colour and rich flavour produced in the lands of Cameroon (OAPI).
- Café des Montagnes de Man – Côte d'Ivoire (OAPI): Coffee from the highlands of the Man region, known for its rich flavour and

distinctive for the high altitude in which it is cultivated.

- Café Zياما Macenta – Guinea (OAPI): A high-quality coffee from the Zياما Macenta region. Besides bringing new job opportunities to farmers, it also helps in pollinating the forest.
- De la peau de la Chèvre Rousse de Maradi / Leather and leather-based products – Niger (OAPI): Leather goods are made from the red goats of Maradi, but these little ruminants offer much more. Gaining attention for their versatility, they help families in Niger, Benin, Burkina Faso, Senegal, and Togo to combat poverty and hunger.

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*Despite efforts by the ARIPO to protect GIs, it remains far behind OAPI in terms of effective implementation. ARIPO members have registered only two GIs (...)*

Besides providing skin, milk, and meat, the goats generate significant income, especially for women who raise them in their villages. During times of agricultural crisis, families can sell their goats, milk, or cheese, now more valuable since the geographical indication was granted.

#### ARIPO's efforts in GI protection

Despite efforts by the African Regional

Intellectual Property Organization (ARIPO) to protect GIs, it remains far behind OAPI in terms of effective implementation. ARIPO members have registered only two GIs:

- Chã das Caldeiras – Vinho do Fogo (Cape Verde): A wine produced from grapes grown in the volcanic soils of the Fogo Island.
- Cabrito de Tete (Mozambique): A type of goat known for its quality and flavour, native to the Tete province in Mozambique.

#### Morocco and South Africa leading the way: The sui generis system for GIs

- Countries like Morocco and South Africa have established strong systems for registering GIs, with South Africa leading the continent in the number of registered GIs. Notable examples from both countries include:
- Dattes Majhoul de Tafilalet (Morocco) – One of the most famous dates in the world from the oasis of Tafilalet. The unique environment of the oasis contributes to the dates' high potassium content, rich antioxidants, and low glycemic index, all while maintaining their natural sweetness.
- Simonsberg-Stellenbosch (South Africa) – A wine region known for its distinctive wines. Located at high altitude, the mountain forms a rolling landscape that creates ideal

microclimates for growing grapes. The area is characterised by granite-rich soils that offer high potential for yield. In this area, winds limit excessive vegetative growth in the vineyard, providing a balance to the fertile soil.

- Rooibos Tea (South Africa) – A unique herbal tea grown in the Western Cape. The specific climatic conditions in the eastern Cederberg Mountains allow rooibos plants to thrive, but it is extremely difficult for them to grow anywhere else due to their sensitivity to soil and climate.

#### **The widespread benefits of GIs for communities**

Geographical indications not only protect agricultural products but also handcrafts, fostering a unique identity for these items in both local and global markets. This protection incentivises local production, creating opportunities for farmers, artisans, and small producers by valuing their work. The benefits of GI protection include:

- Tourism: GIs can boost tourism, with consumers eager to experience unique products in their place of origin. For instance, travellers might visit Africa to taste cocoa from Ghana or visit South Africa's renowned wineries.
- Exports: Protected GIs facilitate the export



of high-quality goods, opening up international markets.

- Protection against counterfeit products: GIs provide a defence against counterfeit products, ensuring authenticity and higher value for genuine goods.
- Economic development: The development of rural areas is promoted, with new job opportunities and improved working conditions.
- Cultural preservation: GIs help preserve the history, culture, and traditions of a region, turning every product into a story of its origin.
- Sustainable practices: GIs encourage more sustainable practices, protecting regions from abusive exploitation by foreign or national entities.
- Awareness: GIs raise consumer awareness, encouraging them to choose certified authentic products to incentivise local producers.

”

*As of now, approximately 208 GIs are protected in Africa, each representing a piece of the continent's rich cultural heritage.*

## Challenges in GI protection across the continent

While GIs offer great potential, there are still

significant challenges, including limited resources and a lack of awareness about the benefits of GI protection. Many African countries have yet to realize the full potential of these protections, and more effort is needed to raise awareness and build strong legal frameworks for the registration of GIs.

### The path ahead for GI protection in Africa

As of now, approximately 208 GIs are protected in Africa, each representing a piece of the continent's rich cultural heritage. The future of GI protection holds promise for even more products across various sectors, including oils, fruits, teas, handcrafts, and textiles.

With the support of governments and regional organisations, African producers can continue to explore the vast potential for sustainable commercialisation of their unique products. Though the path forward remains uncertain, the opportunities for growth and change are significant, and the protection of GIs can help create a more prosperous future for Africa's agricultural legacy.



# How cautionary notices protect IP across Africa

Inês Sequeira + Isabella Becaro Pinho

Africa



In recent years, the protection of intellectual property (IP) rights has become a significant concern across the African continent, as more businesses, companies, and entrepreneurs are looking for new opportunities to expand their businesses into the continent.

An important tool that can help protect these assets in Africa is the use of cautionary notices.

This is a public declaration issued by the owner of an IP right with the aim of making this IP ownership known and public, in order to claim it before a potential legal action, if necessary. These notices act as a warning to potential infringers and serve as a safeguard for intellectual property assets.

We will delve into the benefits of using this tool, as well as its possible challenges, its important role, and how it is effectively protected in countries where the only type of protection of intellectual property rights is by its means.

## Understanding cautionary notices

Cautionary notices are a legal tool and a formal way to make the public aware of your intellectual property rights, more specifically, your patents, designs, and trademark creations in jurisdictions where access to guarantee the protection of these assets is a distant reality.

Typically published in a public journal, newspaper, or even through a well-known website of the government, these notices alert a potential offender that a certain trademark, design, or invention is in use and already has a proprietor.

The publication includes the details of the asset to be protected, declaring that the owner has the rights to explore his creation in the said territory. [...]

Read more



# The new EU design reform

João Pereira Cabral

European Union

**IP STARS**  
from ManagingIP

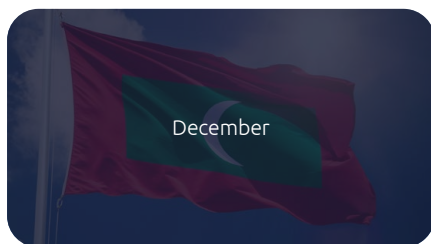
Written at the beginning of 2025, this article analyses the EU Design Reform, a significant update to the European Union's design protection framework.

The reform introduces critical changes, including a new EU-wide repair clause, streamlined filing procedures, and adjustments to fee structures.

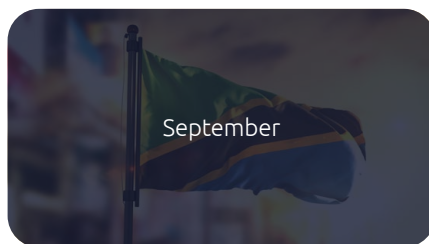
João Pereira Cabral provides a thorough breakdown of these key developments, offering practical insights into how the new rules will impact design protection and enforcement across Europe.

Read more

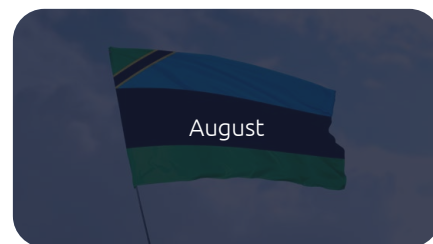




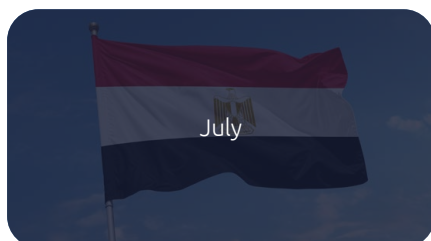
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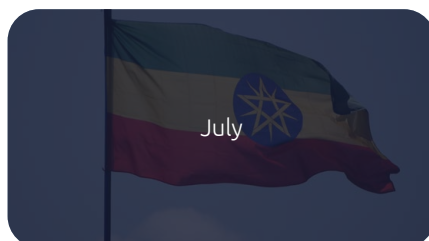
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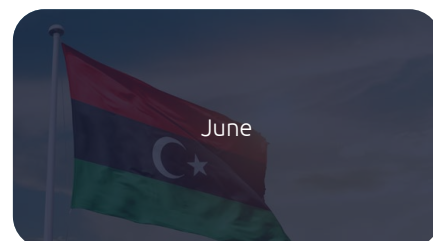
Increased Official Fees for IP  
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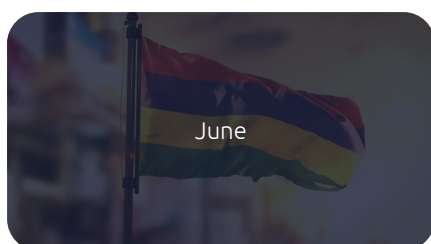
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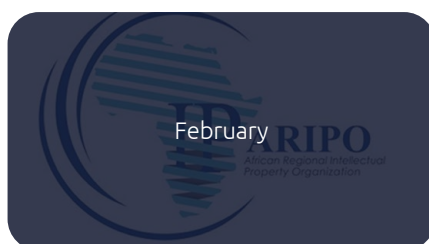
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Convention and Madrid  
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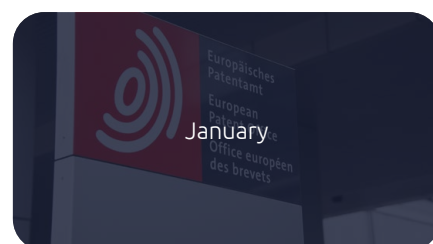
Clarification on Trademark  
Renewal and Re-registration  
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Mauritius joins the Harare  
Protocol



Harare Protocol:  
Amendments on Patents  
and Industrial Designs



The protection of European  
patent: across Laos and  
Costa Rica

IP in Africa



IP in Europe



Announcements





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