

# Intellectual Property Law & Commercialisation of Engineering Innovations

October 27, 2020, 1:45 – 2:15 PM

Assoc Prof. Ernest Abaho, Ph.D

**Tel:** +256701105998

**Email:** [ernest@abnestconsultancyuganda.com](mailto:ernest@abnestconsultancyuganda.com)

# Meaning of IP and IPRs

- **Intellectual Property (IP)** : Creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.
- **Intellectual Property rights**: These grant the owner of the work exclusive rights to exploit and benefit from his/her creation.

## Definitions (Cont'd....)

- IPR: Uganda Law Reform Commission- ULRC (2006)
  - Laws that protect property interests in intangible things
  - IPRs are based on two principles
    - That it is beneficial to society to encourage disclosure of new developments
    - That it is beneficial to the society to ensure honest dealing.

# Importance of IPRs in Engineering entrepreneurship

- Protects your innovations from selfish investors
- It motivates you to create more and invent new solutions with economic gains.
- They strengthen the Industry-University collaborations
- It facilitates relevant research
- It generates long-term and reasonable income at different value chains

# Why IPR regulations and Laws?

- Protection against Counterfeiting and piracy.
- Rewards creative thinkers by protecting their creations profitably
- Fast tracks technology diffusion
- Promotes national economic competitiveness and fair competition.
- Increases GNP

# Global portfolio of IPRs

<b>Patent Rights</b>	Rights for inventions coming out of a process that provides new ways of doing things and or technical solutions to social and business problems. An invention is a technical solution to a problem in any industry. A patent is granted for an invention if it is new, non-obvious to a person skilled in that field and useful. Patentability requires ability to be of practical use, novelty and legal acceptability.
<b>Trade Marks</b>	Signs, symbols and insignia used to distinguish different products and services. Trademarks can also be either or a combination of names, colours, signatures, words, labels, shapes.
<b>Industrial Designs</b>	Protection granted for ornamental or aesthetic features of an article whether two or three dimensional.
<b>Plant Varieties</b>	A plant grouping within a single botanical taxon of the lowest known rank. Protection is granted where the variety is novel, distinct, uniform and stable.
<b>Copyright</b>	Protection of authors of original literary and artistic works. Such as books, films, music, photographs, computer programs, etc .
<b>Trade secrets</b>	Commercial information about products that gives a competitive advantage. <b>NOTE:</b> They are protected without registration.

# Theories behind IPRs, Creativity and Innovation

Theory	Key assumptions
<b>Incentive theory (William Nordhaus)</b>	<ul style="list-style-type: none"><li>• Incentive actions are motivated by rewards and disoriented by poor or negative rewards.</li><li>• Protecting intellectual properties motivates people to create more when there are more benefits and opportunities for growth.</li><li>• Costs of invention affect the speed and commitment to invention.</li></ul>
<b>Optimizing Patterns of Productivity (Harold Demsetz)</b>	<ul style="list-style-type: none"><li>• Good inventions should benefit a large number of people so usage should be broader.</li><li>• Successful inventions are more valuable if accessed by the people who need them not just every member of the public.</li></ul>
<b>Rivalrous Invention (Yoram Barzel)</b>	<ul style="list-style-type: none"><li>• Some companies use their rivals' inventions to re-invent applicability and functionality.</li></ul>

# Existing IPR regulations and Laws in Uganda

- Copyright and Neighbouring Rights Act 2006
- Copyright and Neighbouring Rights Regulations 2010
- Uganda Registration Services Bureau Act
- Geographical Indications Act 2013
- Trademarks Act 2010
- Trademark Regulations 2012
- Industrial Property Act 2014.

## NOTE:

*– Uganda has not yet enforced the Industrial Property Regulations and Geographical Indications Regulations.*

# Research opportunities

- Why are Engineers hesitant to register their innovations?
- Why are Ugandan Engineering and Technology researchers not innovating sustainably, strategically and meaningfully?
- Perceptions of IPR by creative arts and sciences

# To register your Intellectual property

<https://ursb.go.ug/intellectual-property-forms/>