

International jurists discuss IPR

Source: The New Times: Tuesday June 7, 2011



Judge Bernice Donald (R), talks to Chief Justice Cyanzayire as Stephen Gardner from the Commercial Law Development Programme (USA) looks on. (Photo T.Kisambira)

KIGALI - Judges and lawyers from the East African Community, USA and other African countries, are meeting in Kigali to discuss the role of the judiciary in the enforcement of Intellectual Property Rights (IPR) within the region.

While officially opening the three-day conference, the Chief Justice, Aloysie Cyanzayire, observed the significance of enforcing property rights, saying that it is of great economic value.

“Today IP-related commerce is worth an estimated US\$ 300 billion worldwide, while some 80 percent of corporate values of the several hundred largest global companies are represented by intangible assets,” she said.

Cyanzayire noted that if laws are properly enforced, this would encourage innovativeness which would enhance the development of the countries.

Recently, Rwanda enacted a law on intellectual property, a move that the Chief Justice said is aimed at strengthening these rights in the country.

“This new law encompasses extensive provisions on enforcement and provides a wide range of powers to the judiciary, police and customs authorities to enforce these rights,” she said.

In an interview, the US Ambassador, Stuart Symington, pointed out that intellectual property rights are fundamental, especially to a growing economy like that of Rwanda.

“When a country is developing economically, you have to protect your ideas because the essence of IP is to preserve the values of those ideas, especially like artists,” Symington said.

Stephen Gardener from the Commercial Law Development Programme in the USA, acknowledged that Africa is still faced with challenges caused by lack of strong IP rights protection measures.

He said that a clear roadmap needs to be set to overcome these challenges.

Trade and Industry Minister, Francois Kanimba, noted that it should not be the exclusive duty of the government to protect these rights, calling for partnership with stakeholders to fight counterfeit products that might even cause harm to health.

Intore Massamba is one of the local artists whose intellectual property rights are infringed by counterfeiters.

“We put in a lot of effort to compose songs, but it hurts when someone plagiarises my work. For example, we pay a lot of money to Rwandan Revenue Authority, but they don’t protect our songs,” Massamba decried.

Ends

EAC judicial staff discuss intellectual property

Source: Rwanda Focus: Tuesday June 7, 2011

Given that intellectual property (IP) protection is central to achieving sustainable economic growth and development of the country, regional and international lawyers have gathered in Kigali for a 3-day workshop to discuss the role of the judiciary in the protection and the enforcement of the intellectual property in East Africa.



Stephen D. Gardner, of the US Department of Commerce, introduces Bernice Donald, a judge at the Sixth U.S. Circuit Court of Appeals (right) to Supreme Court Justice Aloysie Cyanzayire. (Courtesy photo)

The workshop is organized by the US Department of Commerce, the US Department of justice, and the US embassy in Rwanda together with the Rwanda Supreme Court.

According to the US ambassador in Kigali, Stuart Symington, such an occasion is crucial for economy growth since it contributes to the Rwandan vision to build a knowledge-based country. "As Rwanda is committed to become a knowledge-driven country, there must be a mechanism to protect those ideas since they can be taken from one place to another and get directly pirated and counterfeited," Stuart pointed out.

The president of the Supreme Court, Aloysie Cyanzayire, remarked that since Rwanda has no experience in the field, the workshop will give Rwandan judges with more expertise to ensure protection of intellectual property.

"We have many creators, innovators, *uduseke*, industries and the like, so pirates are likely to forge them once there is no mechanism to protect them," said Cyanzayire. "This will give more experience to our judges in the process to enforce this law protection."

Rwanda signed the international IP convention in 1983, but it took until 2009 to pass the first law to support IP rights.

The workshop seeks to further develop the quality of IP protection in Rwanda and the EAC by improving the skills and knowledge level essential to provide fair, efficient, and consistent arbitration of IP cases based upon the standards of protection afforded by the EAC, its member countries and international law, Cyanzayire added.

Protection of intellectual property to be stepped up

Source: Rwanda Focus: Monday June 8, 2011

While music piracy is still rife in the country, a growing awareness of intellectual property rights and the creation of the Rwanda Society of Authors might sound a hopeful note for local artists.



Singer Vidi Frank uses the controlled production of cheap CDs to sell his music. (file photo)

It is a conundrum for many musicians in Rwanda: if they want to earn money from their songs, they have to combat music piracy, yet at the same time cheap pirated CDs still sell better so it gives the artist's popularity a boost. What to do?

Vidi Frank, a dancehall musician, admits that many artists would be reluctant to give up the promotion they receive from piracy sales, since it constitutes at least some return on what they invested to produce the songs. That is why he has opted to allow a few selected salesmen to produce and sell cheap copies of his CDs. "I realize this is a risky move, because other people with whom I don't have an agreement will think they can do the same," Vidi Frank says.

It seems he is not alone in using this strategy, which is why these days you will often find that CDs mention the name of a third party (apart from the musician and the producer): the one making and selling cheap copies. People like The Game and DJ Bob are quite popular in this field, and The Game argues that they play an important role in the promotion of an album, for instance by ensuring that the music or video is also played at music stalls. However, he points out that while people like him have an agreement with the artists on the number of copies to be duplicated, some of his less scrupulous colleagues might produce more than the agreed number. And worse, of course, are the real pirates who make copies without the musician's consent.

The Game remarks that sales would plummet if only original CDs would be sold. "The majority of buyers simply can't afford an original CD so if we and the music vendors want to make a living, we have to sell duplicated copies," he says.

And hip-hop artist Ice adds another reason why cheap copies make sense: sending original ones, with a booklet and printed CD, to radio stations for promotion is simply too expensive, given that all they do is copying the songs to their computer while the CD ends up on a shelf.

Royalties

So while the controlled production of cheap CDs seems currently the only viable business model for the Rwandan music industry, that leaves musicians missing out on revenue. It would therefore be interesting if there were other mechanisms for artists to benefit from their songs, which is where royalties come in. While it is a common practice worldwide for radio stations to pay a fixed fee to an artist every time they play one of their songs, this is currently not happening in Rwanda.

That might change, however, once the Rwanda Society of Authors (RSAU) gets fully functional. The organization saw the light in the wake of the approval of the law on intellectual property last year, and its director, the painter Epaphrodite Binamugu, explains that they are currently in the process of harmonizing RSAU's activities with the World Intellectual Property Organization (WIPO). Thus, once the organization gets operational, it will not only tackle piracy but also ensure that artists still get financial benefits by collecting royalties whenever their music is used, not only at home but thanks to the collaboration with WIPO even abroad.



Natty Dread (right) in concert during the international intellectual property day; the music is protected, the hairstyles (luckily) are not. (file photo)

In addition, RSAU will monitor the entire spectrum of activities where intellectual property is used without authorization and acknowledgement of the original artist. For instance, singer Rafiki complains that he has caught several artists singing covers of his songs without having asked permission, yet even though they were sometimes arrested they were always released quickly without ever appearing in court, apparently because the police and judicial authorities did not know how to handle such cases or did not find them worth the time.

That should not be the case, says Vidi Frank, who points out that recently in Uganda Jean Paul Samputu was awarded US\$ 8 million by a court exactly in a case against another artists who had used his songs without permission.

Sensitization

To get to that point in Rwanda, however, will require a good deal of sensitization, since the concepts of intellectual property and copyright are still relatively unknown. For instance, some artists might not realize that you can't just record another singer's song, even if you acknowledge them; or advertisers might innocently use a popular song in a radio or TV spot.

Therefore, during the recent celebrations of the international intellectual property day, it was proposed courses on those rights are integrated in the curriculum of secondary schools and higher learning institutions. In addition, law enforcers, especially court judges, will be given similar training; on Monday, June 6, for instance, a 3-day workshop gets under way on how the judiciary in the EAC can contribute to the protection of intellectual property. It was also recommended that a special unit be created within the police to deal with intellectual property cases.

And artists themselves too will be trained so as to avoid plagiarism and other illegal use of other people's work. In addition, study tours will be organized to show Rwandan artists how their colleagues in other countries earn money from their art through fair competition.

It seems then that before long, music pirates will have to change their tune.

Intellectual Property Laws Not Yet Effective

Source: Rwanda News Agency: Tuesday June 7, 2011



Minister Kanimba addressing delegates while US Ambassador Stuart Symington looks on

Kigali, June 7, (RNA) – Piracy and counterfeiting remain a dangerous threat to the economies and welfare of East African nations largely because of poor or inconsistent enforcement of intellectual property law, judges and lawyers from the East African community and other countries heard Monday at a workshop on the role of the judiciary in protecting intellectual property rights.

The protection of intellectual property rights is crucial to the development and sustainability of East African economies, Louise Kanyonga of the Rwanda Development Board told international delegates to the three-day conference hosted jointly by the United States departments of commerce and justice, US Patent and Trademark Office and the Republic of Rwanda Supreme Court.

“The days of the brick and mortar economy are gone and have been replaced by one of ideas,” Kanyonga said. “Sustained economic growth relies hugely on enabling an environment which fosters the flow of new ideas.”

Intellectual property-related commerce is worth an estimated US\$300 billion annually, explained Chief Justice Aloysie Cyanzayire, while intangible assets represent some 80% of the corporate value of the several hundred largest global companies.

But the theft of ideas has also become “big business,” said Trade and Industry Minister Francois Kanimba. “Clever ideas are easily stolen and it’s for this reason we have to find and use counter-measures to ensure our prosperity.”

New laws to strengthen the protection of intellectual property rights in Rwanda and other East African nations have had limited impact because the private sector and even some public authorities remain ignorant of their existence or how best to enforce them.

For the most part, awareness of intellectual property rights in these countries remains “very low,” explained Chief Justice.

And even where there is awareness, most East African countries, including Rwanda, lack the experience or human and technical capacity to consistently enforce intellectual property laws, said Kanyonga. Meanwhile, pirates and counterfeiters continue to leech off local entrepreneurs and artists, and make the region less attractive for foreign investors. “No one wants to come here selling cookies, for example, under a certain trademark and find out somebody else is selling cookies under their label,” explained Stephen Gardner, Chief Counsel to the Commercial Law Development Program at the US Department of Commerce. “The people pirating media and goods, those aren’t the people who should be benefiting from those works and goods.”

Counterfeited goods also pose a significant danger to the wellbeing of the public, as many are produced at the cheapest possible cost without consideration for health and safety standards, said Kanimba. Knock-off pharmaceuticals, for example, have been said to pose a greater threat to public health than “the combined scourge of malaria and HIV/AIDS put together,” explained Cyanzayire. Fake drugs have been found to contain cement, road paint, cyanide and rat poison, among other dangerous ingredients, and cause many hundreds of thousands of deaths worldwide each year, said Marie-Flore

Kouame, a trial attorney for the US Department of Justice. Those that are not outright poisonous are often ineffective or cause increased resistance to real medicines.

A strong public-private partnership will be necessary to improve the enforcement of intellectual property laws, said Kanimba. “The government has made a huge step by setting up the legal framework to protect [intellectual property rights] but it’s now up to [industrialists] to take advantage of that legal framework.” (End)

Rwanda: Respect for Intellectual Property

By Geoffrey Mutagoma

BBC Gahuzamiryango

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An artist is playing a piano

In Rwanda jurists from different African countries are in a meeting in Kigali to discuss respect and protection of Intellectual Property. African musicians, writers and artists say that their profession doesn't profit them because of counterfeit. In developed countries, artists benefit what they produce because there are laws that protect them. However those jurists in the meeting say that there a need to do to protect intellectual property than just putting in places laws.

They found out that here there are studios where they reproduce artist works like music and films and sell them at a lower price than the price fixed by artists. Musicians, writers and artists say that this discourages them and they remain poor because of counterfeit.

American experts brought together jurists from the East African Community and Central African to discuss what can be done to solve this problem. The US is one of the countries that have been able to fight counterfeit and to protect intellectual property. They think that enforcing the laws is one the way intellectual property can be protected.

However, the use of technology makes it difficult today to make sure intellectual property is protected. Nowadays, with the use of internet, it is not easy to protect 100% intellectual property. There is a need of used of sophisticated means to be sure intellectual property is respected and protected.