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INTELLECTUAL PROPERTY RIGHTS AND HOW THEY RELATE TO FARMER INNOVATIONS.

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Stakeholders Workshop

Eureka Place Hotel

06TH July 2016





QUESTIONS TO ALL OF US

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Biodiversity, which is as a result of more than 3 billion years of evolution, is under serious threat leading to these difficult questions

- × How is biodiversity changing?
- × Why is biodiversity changing?
- × What are the ecological consequences of biodiversity changes?
- × What are the social and economical consequences of biodiversity changes?
- × How can we best use and conserve biodiversity for the next generations?



TO OBTAIN PRECISE ANSWERS



we need to innovate?

- ✘ It isn't just about math and science. It's about creativity, imagination i.e. innovation."



SOME KEY DEFINITIONS

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Innovation- simply a "new idea, device, or method" or the application of better solutions that meet new requirements, unarticulated needs, or existing market needs

Invention -is a solution to a specific technological problem and is a product or a process.

Local Innovation-refers to the dynamics of IK – the knowledge that grows within a social group, incorporating learning from own experience over generations but also knowledge gained from other sources and fully internalised within **local** ways of thinking and doing.



SOME KEY DEFINITIONS

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Appropriate Technology-is small-scale *technology*. It is simple enough that people can manage it directly and on a local level. *Appropriate technology* makes use of skills and *technology* that are available in a local community

Intellectual Property-refers to creations of the intellect for which a monopoly is assigned to designated owners by law.

IPRs-**Intellectual property rights** -include patents, copyright, industrial design rights, trademarks, plant variety rights, trade dress, and in some jurisdictions trade secrets. These property rights allow the holder to exercise a monopoly on the use of the item for a specified period.



SOME KEY DEFINITIONS

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Patent-is a set of exclusive rights granted by a sovereign state to an inventor or assignee for a limited period of time in exchange for detailed public disclosure of an invention.

Copyright -is a legal term used to describe the rights that creators have over their literary and artistic works.

Trade mark- is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises.

Geographical Indications - are signs used on goods that have a specific geographical origin and possess qualities, a reputation or characteristics that are essentially attributable to that place of origin.

IPR IN RELATION TO FARMER INNOVATIONS

Through an example scenario- Hypothetical

- ▣ Nakassava Agro Enterprises is a farmer led private limited company which was incorporated in the year 2016 in accordance with the laws of Uganda.
- ▣ Its principal place of business is situated in Nakasongora district.
- ▣ The main objective of Nakassava is crop production (Cassava), processing and commercialisation. Its products are Cassava flour, starch and processed, semi processed and unprocessed cassava

PRODUCTS OF NAKASSAVA



NAKASSAVA PROFILE

- ▣ Nakassava Agro Enterprises currently employs 10 people 2 of which are experts with an agro-science background.
- ▣ Its start up capital was 15, 000, 000 shillings.
- ▣ Fixed assets - Land 30 hectares, machinery for processing.

STRATEGY

- ✘ To survive competition cassava is grown throughout the year.
- ✘ The Company currently supplies the local market but the long term plan is to enhance production so as to supply the whole of Uganda with High Quality Cassava Flour.
- ✘ R and D into new varieties will also be carried out in the near future

IP IN PERSPECTIVE

Which IPRs

- ✘ Patent – process to extend shelf life of cassava
- ✘ Trademark - Nakassava
- ✘ Geographic indication- Nakasongora Area
- ✘ Plant Breeder's Rights – new varieties
- ✘ Trade Secret – know how of growing cassava

IP PORTFOLIO CONT.

It is vital to secure an IP asset that gives Nakassava an edge over its competitors

- To discourage infringement
- To increase options for commercialisation.
- To strengthen bargaining position when collaborating
- To attract funding

KEY IP CONSIDERATIONS FOR NAKASSAVA

- ✘ Nature of business : Agro industry with very many cassava related players in Uganda.
- ✘ There is need to be highly competitive by:
 - Building a reputation – trademark
 - Be innovative – patent of process, new varieties, process of extending the shelf life of Cassava.
 - That extra quality that others lack – trade secret
- ✘ Financial constraints – can acquire a loan to finance registration process (UNCST). It is important to secure government support and access government loans

IPR AFTER NAKASSAVA HAS A STABLE MARKET SHARE

- ▣ Licensing of IPR, selling and collaborating
- Nakassava Agro Enterprises can generate income by entering into licensing agreements with other producers of cassava.
- The agreement can be a non exclusive license which will allow the producers to use Nakassava's patented process of extending the shelf life of Cassava.
- The advantage of this arrangement is that Nakassava retains control over the use of the process and can continue to make use of the process itself.



NO IP RIGHTS, NO INCENTIVES?

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- ✘ Benefits to farmers, consumers and other downstream users would increase, and prices might be lower due to greater competition, the incentive for producers to innovate would be eliminated.
- ✘ A decision not to use IP rights also has a cost because such an approach diminishes the incentive to innovate.
- ✘ The more chance an innovator has of recouping his investment of making a profit to reinvest in new innovations, the stronger the incentive to innovate and for future innovations to occur.
- ✘ Optimal IPR use depends on the technology itself as well as on market conditions,



RECOMMENDATIONS

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- ✘ There is need for innovation and partnerships and NOT charity.
- ✘ Establish and maintain farmer-led adaptation strategies for climate change mitigation
- ✘ Engage in Public Private Partnerships for proper management of limited available resources.
- ✘ Policies and standards that cater local innovations IPR issues



CONCLUSION

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Every product or service that we use in our lives is the result of a long chain of big or small innovation such as new designs or improvements that make a product look or function better. E.g A ball pen patent



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Acknowledgment

- *Environment Alert*
- *Farmers*
- *Innovators*
- *Participating orgns*



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Thank you

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