

# Role of Intellectual Property in Health Innovation

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Health Innovation Challenge Boot Camp

**ANADACH**  
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# Presentation Outline

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# Overview of Intellectual Property (IP)

# What is Intellectual Property?

Intellectual property (IP) refers to creations of the mind, such as:

- Inventions
- Literary and artistic works
- Designs and symbols,
- Names and images used in commerce.

IP is protected in law by patents, copyright and trademarks, which enable people to earn recognition or financial benefit from what they invent or create.

# Types of Intellectual Property



## Copyrights

- Copyright is a legal term used to describe the rights that creators have over their literary and artistic works.
- Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings
- Copyright protection underlies the continuous stream of new music and films, newspapers and other published material including related activities and media for developing and delivering all these to consumers.



## Patents

- A patent is an exclusive right granted for an invention.
- A patent provides the patent owner with the right to decide how - or whether - the invention can be used by others.
- In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.
- Patents underlie many of the knowledge-based products and services that society relies on for health, energy, communication, transportation and many other human and commercial needs e.g. energy, biotechnology, pharmaceutical and ICT sectors.

# Types of Intellectual Property



## Trademarks

- A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises.
- Trademarks date back to ancient times when craftsmen used to put their signature or "mark" on their products.
- Trademarks support a wider array of products and services that consumers want and depend on, from clothing and computers to foods and footwear, educational and entertainment products, services, scientific products and even sporting activities.
- Trademarks cover logo, names, signatures, etc.

Sources: [wipo.int](http://wipo.int)  
[anadach.com/intellectual-property-](http://anadach.com/intellectual-property-)



## Industrial Design

- An industrial design constitutes the ornamental or aesthetic aspect of an article.
- A design may consist of three-dimensional features, such as the shape or surface of an article, or of two-dimensional features, such as patterns, lines or color
- Any confidential information that provides a business with a competitive advantage.
- Examples include research findings, technical know-how, manufacturing methods, consumer profiles, sales methods, and advertising strategies.



## Trade Secrets

# Identifying Intellectual Property

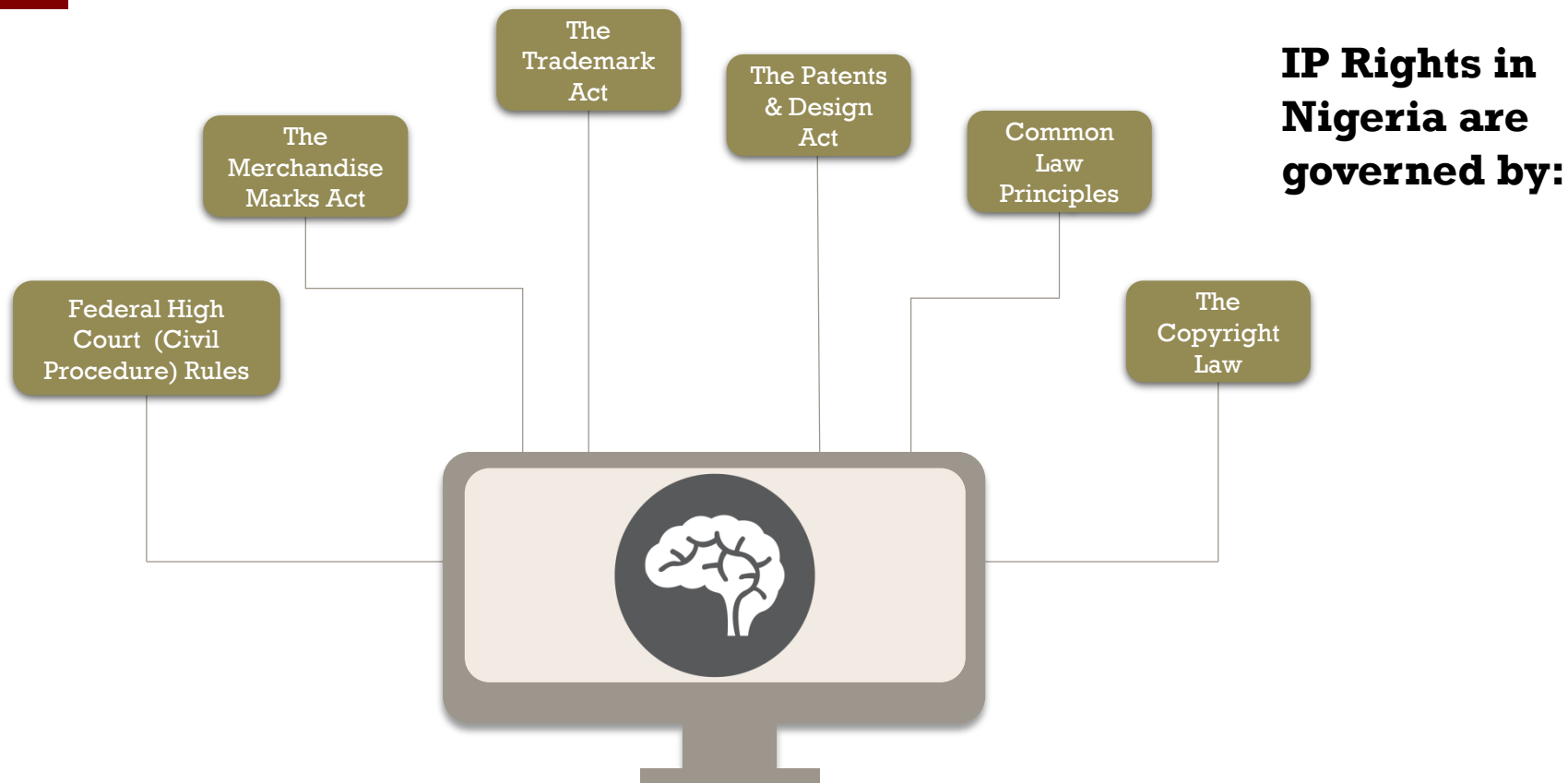
- If it is a new product or service and has an added advantage, it should be registered as it is original
- Improvements of an old process or product can also be considered as IP
- In selecting what to patent, the products concerned must be of commercial value
- The invention must be new and industrially applicable

# How to Protect **Intellectual Property**

- Make time to get smart on IP i.e. Educate yourself and team on the basics of trademarks, copyrights, patents, and trade secrets. Investing a day or two early on will save headaches later.
- Work with a lawyer who specializes in IP. Patents aren't your only asset. Conduct an audit to identify all your registered and unregistered trademarks and copyrights
- Invest in well-written non-disclosure agreements (NDAs). Ensure your employment agreements, licenses, sales contracts and technology transfer agreements all protect your IP right from the get-go
- File as fast as you can. A patent or copyright application holds your place in line. “First to file” rule applies i.e. first person to file gets preference.
- Monitor the use of your IP



# How and Where to Protect Intellectual Property



## **How and Where to Protect Intellectual Property**

- The Ministry of Commerce and Industry through the Trademarks, Patents and Design Registry administer the Trademarks Act and The Patents and Designs Act
- The Nigerian Copyrights Commission (NCC), an agency of the Ministry of Justice, administers the Copyright Law
- NCC has launched a new online registration system to enable creators of copyright works or persons who have acquired rights in these works to register their interests with the NCC and serve as a means of combating piracy

# Importance of IP Protection to Innovation

- IP helps firms monetize their inventions and grow
- Companies use IP rights to help develop, create value, conduct trade and benefit from their works and inventions
- SMEs that use IP report faster growth and higher income than those that do not
- IP protection empowers the SME sector to drive growth, wealth creation, poverty reduction and employment generation.

# Importance of IP Protection to Innovation

- IP protection promotes innovation, increases funding for research and development and helps firms realize more value from innovations
- IP protection benefits consumers and society, providing innovative products and services in virtually every area of life—from clean energy to health care, and helps protect consumers from inferior and dangerous counterfeits
- IP benefits the Nigerian economy in terms of GDP, employment, tax revenue, development and competitiveness

# Issues Related to Poor IP Protection

## COUNTERFEIT DRUGS

- It is estimated that up to 30% of medications in the African market are counterfeit
- 100,000 people die in Africa per year due to fake anti-malaria drugs alone
- Nigeria is the largest market in Africa for counterfeit and pirated products and serves as a gateway to the rest of the continent for rampant illicit trade.



# Issues Related to Poor IP Protection

## PIRACY IN ENTERTAINMENT

- The entertainment industry in Nigeria is one of Africa's biggest industries
- Nigeria accounts for 80% of pirated international music CDs and the local music industry witnesses 40% of its products being copied
- A report estimates the total annual loss of the content industries (music, software and video) within the nation to be well over 100 billion naira.





# Health Innovations in Nigeria

# Factors That Drive Innovation

- **Human Factor** - knowledge, level of education, skills and creativity of the people, i.e. the intellectual capital of the people
- **Technology** - the culture of innovation and the systems and infrastructure to support innovation
- **Capital** - availability of financial resources particularly risk capital to support exploration, exploitation and commercialization of ideas
- **Training**- adequate training and education for entrepreneurs
- **Motivation**- motivation in schools, universities, businesses, civil society, and government





## Examples: **Mobile Midwife Nigeria**

- A tailored mobile service designed to provide vital healthcare and nutrition information through voice messages
- Provides pre-natal services and new born/mother services aimed at improving antenatal seeking behaviour of pregnant women
- Improves access to validated health and nutrition information in pregnancy
- Initiative will create social impact by providing medically-proven, locally relevant health information to pregnant women and nursing mothers in Nigeria.



## Examples: **U Report Nigeria**

- A free SMS-based communications technology developed by UNICEF used in engaging Nigerians towards establishing and enforcing accountability in governance, health, education, the environment and other areas of community endeavour through social mobilization
- It encourages eye witnesses to report cases of anomalies via text messages and the issues will be treated accordingly.

## Examples: **Mobile Product Authentication**

- Allows consumers to verify that products they buy are genuine by using a mobile phone and a simple free text message
- Using a scratch card method, a one-time-use code is revealed which can be sent by text to a call centre phone number
- Once the text is sent, a response is received indicating whether the product is genuine, fake or stolen
- This service has greatly improved anti-counterfeiting measures in the pharmaceutical industry.



## Contributors/**References**

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# Conference **Summary**

The just concluded conference on “The Dynamic Role of Intellectual Property in Promoting Innovation and Economic Development in Emerging Markets”, held in Lagos from July 14 to 16, 2015. It addressed the following:

- Economic benefits of IP e.g. GDP, employment, tax revenues;
- IP's role in promoting innovation e.g. in the technology/mobile phone industry, film industry;
- Its role in quantifying innovations in small to medium enterprises (SMEs) to secure investments, grow market value, and leverage new markets;
- IP's contributions to consumers and the wider society e.g. providing consumers with innovative products and services in virtually every area of life and helping to protect consumers from inferior and dangerous counterfeits.

In addition, a one day training course titled "IP 101" was held for innovators, entrepreneurs, creators and financiers on July 14<sup>th</sup>

For more information on the presentations at the conference, please visit:

[http://www.anadach.com/IPPW\\_schedule.htm](http://www.anadach.com/IPPW_schedule.htm)



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