OAPI ISSUE IN AFRICA : MADRID PROTOCOL

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ABSTRACT

1. Objective of Research:-
   The main objective of the paper is to study the OAPI, Bangui Agreement and understand issue related to Madrid Protocol which is in conflict in Africa.

2. Scope
   Paris Convention, Madrid Union, Bangui Agreement and Lisbon Treaty

3. Statement of problem
   Issue in Africa for becoming part of Madrid Protocol.

4. Research Questions:-
   a. What is the significance of OAPI before joining Madrid Protocol?
   b. What are the advantage of being a part of Madrid System?
   c. What is the conflict in Africa for becoming part of Protocol in reference to European Union?

5. Hypothesis:-
   Amendment in the Bangui Agreement for International Registration.

6. Limitation
   OAPI region in Africa.

7. Research Methodology:-
   The researcher had relied on secondary data collected from articles and websites

LIST OF CASES
- Case Law: Van Gend en Loos (1963)
- Case Law: Costa V ENEL (1964)
- Case Law: R (FactorTame Ltd) v Secretary of State for Transport (1990)
- Case Law: Blackburn v Attorney General (1972)

LIST OF ABBREVIATIONS
- ARIPO: African Regional Intellectual Property Organization
- AU: African Union
- EC: European Community
- ECJ: European Court Of Justice
- EU: European Union
LITERATURE REVIEW

“The Organisation Africaine de la Propriété Intellectuelle” which has been made through an agreement known as Bangui Agreement in 1977. With a vision of common procedure to issue titles to applicants for the protection of intellectual property which will at once be valid in other states of OAPI. Through the established system of intellectual property rights, underdeveloped nations can come across economic activities of the developed nations which promotes simultaneous development of the world. Trademark can be get registered in numerous jurisdictions across the world by Madrid Protocol with a single application. OAPI has set down its instrument of accession to the Protocol on 5. Dec.2014. International registrations are currently unenforceable in this territory due to uproar of issues in Africa regarding the administrative power used for passing resolution which deemed as unlawful for the process adopted by Administrative Council.

And the second issue is that, the states in EU has incorporated the international treaties in its national statute and on the other hand OAPI member state has not incorporated such statute the way EU has done with its member states. Such concerns lead to ineffectiveness of Protocol in the region. Such criticism has given the way for understanding the state’s approaches towards international law which can either be monistic or dualistic as well as comparison with European Union. European Union law has got its legal personality through Lisbon Treaty.

Instances where the conflict arises between the EU law and municipal law, EU has been granted the status of dominance due to “doctrine of Supremacy”. In the case Costa v ENEL, the Member States have transferred sovereign rights to a Community created by the consent of all of them. This process cannot be reversed by any sort of unilateral measures which are conflicting with the concept of the Community law. But on the other hand UK give apex status to the “act of parliament “thus having inclination towards dualism approach.

African Union has been formed for the purpose of national liberation from colonialism, fight against the racial discrimination and apartheid. At present notions related to monism or dualism approach in Africa are the notions could be converted at a later stage when the African Union solves its territorial issues which are intact with colonialism, constant rebellion outrages and other
social issues to reach the stage of EU efficiency. Presently national and regional IPR offices are situated in Africa for registration. Issue related to Madrid Protocol can be sorted through an amendment in its Bangui Agreement which is drafted with the consent of member states of OAPI in 1977, through international registration clause insertion. This approach will solve the conflict in Africa and the Protocol gets validity in OAPI region which has a direct effect on residents as well as non-residents.

1. “ORGANISATION AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE” (OAPI)

The Organisation Africaine de la Propriété Intellectuelle (OAPI) caters the service of central registration system of intellectual property to African member states. The organization, through an agreement known as Bangui Agreement in 1977 which is designed to help member states as a tool of opportunity to work in unity, mutual sharing of resources and injecting ideas to meet economical demands, social appraisal needs and to promote literacy advancement and artistic aspects. OAPI helps member countries to organize strategy for the administration to protect intellectual property rights.

Many of the French speaking African countries till 1962 were governed by the French legislation on the industrial property as these countries were a part of French Union. On Sept.13,1962, few countries, 12 African states decided to make up a common body for using it for the purpose of office of industrial property for each member state. The African and Malagasy Registrar for Industrial Property i.e. OAMPI came into existence through the Libreville Agreement. The Libreville Agreement covers patents, trademarks as well as other designs and industrial models.

This Agreement founded on 3 main principles:

1. Uniform protection through procedure to all member states which complement in common implementation of law and administrative functions.
2. This body will serve as a national industrial property registrar for its members.
3. Centralization of procedures related to Industrial Property.
4. This Agreement was further led to the framework of Bangui Agreement on 2 March, 1977 which in turned give birth to the contemporary setup i.e. “Organisation Africaine de la Propriété Intellectuelle” (OAPI).

The main goal of OAPI are:

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1 trademark.marcuria.com
2 www.africanlawlibrary.net
3 www.ohadalegis.com
1. Through a common procedure issue titles to applicants for the protection of intellectual property which will at once be valid in other states of OAPI.
2. To consolidate and publish research and information in this field.
3. Technological advancement of each member state.

1.1 Member States

The OAPI (or AIPO) states are a union of French speaking African countries. Member states are:

- Benin,
- Burkina Faso,
- Cameroon, the Central African Republic,
- Chad,
  - Comoro Islands,
  - Congo,
  - Equatorial Guinea,
  - Gabon, Guinea,
  - Guinea-Bissau,
  - Ivory Coast,
- Mali,
- Mauritania,
- Senegal
- and Togo

1.2 OAPI Institution

Under this agreement, OAPI comprises 3 main organs which are as follows:

1. Administrative Council
2. The High Commission Of Appeal.
3. The Directorate General

### FUNCTION OF ORGANS

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<th>S. No.</th>
<th>Organs</th>
<th>Functions</th>
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4 [www.expertguides.com](http://www.expertguides.com)
5 [www.wipo.int](http://www.wipo.int)
1. **Administrative Council**  
   (One representative of each member state)

   Article 29 states the function of the organ:

   - The Administrative Council is the highest authority of the Organization.
   - Determining the general policy, regulate and control the activities.
   - Make the regulations for the application of the agreement and in reference to Annexes.
   - The financial regulations (fees - the High Commission of Appeal - the general staff - professional representatives).
   - Supervise the implementation of the regulations of above issues.
   - Approval of the program ands annually voting for the budget.

   - Examine and approve annual accounts and stocks.
   - Approval for the annual report.
   - Designate the auditor for the OAPI.
   - Make rules on applications for admissibility as a member or as associated State of the OAPI.
   - Set the amount of any sort of contribution to be made by associated or member States.
   - Creation of adhoc committees on issues requires particularly.
   - Working language regulation.
<table>
<thead>
<tr>
<th>2.</th>
<th>Special function (6 including treaties &amp; conventions)</th>
<th>Art.30 (regulate) few treaties and convention related to industrial property.</th>
<th>The High Commission Of Appeal</th>
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</thead>
<tbody>
<tr>
<td>3.</td>
<td>The High Commission Of Appeal</td>
<td>Three members get elected through drawing of lots with regard to a list of representatives appointed by their respected member States (one per State compulsory)</td>
<td>As per Article 33</td>
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<td></td>
<td></td>
<td>Based on rejection of application reinstatement, extension of duration as well as objections.</td>
<td></td>
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<td>3.</td>
<td>The Directorate General</td>
<td>As per Article 34</td>
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<td></td>
<td></td>
<td>• Execution of activities</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Implement instruction</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Task mention in agreement and on that report to administrative council.</td>
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OAPI Law includes appendixes:

- Patents (Appendix I),
- Registered Patterns (Appendix II),
- Trademarks (Appendix III),
- Industrial Designs and Models (Appendix IV),
- Trade names (Appendix V),
- Captions (Appendix VI),
- Copyrights (Appendix VII).
2. INTELLECTUAL PROPERTY AND DEVELOPING NATIONS

Intellectual property is a vital tool in economic development⁶ :-

- Microeconomic level - At this level investors as well as innovators can recover time and money which facilitate them in bringing new product in market.

- Macroeconomic level - It encourages foreign investment as well as domestic innovations.

- Through the established system of intellectual property rights underdeveloped and developing country can come across economic activities of the developed nations which promotes simultaneous development of the world.

- In a study made by World Bank⁷ the renowned economist Dr Edwin Mansfield has made a survey in almost 100 US firms involving 6 manufacturing industries in understanding the importance of IP protection which caters in taking better financial investment decisions, the result he concluded that it has a major impact with consideration given to the type of industry and its quantum of investment.

- In case of trademark counterfeiting where the mark and product are copied are usually of inferior character, through this consumer and producer both suffers. It states the requirement of stronger IPR system.

- It promotes growth of the private sector and encounters deceptive practices and adequate enough in providing remedy when such event occurs and reboots confidence of consumers.

- With stronger IPR laws businesses gains assurance of risk reduction. At international level WIPO regulates most of the IP agreements which facilities uniformity in procedure, reduction of fees, economical and social development.

- Being a part of a international agreement gives not only reciprocal treatment in the field but also help the territorial market to boost.

- These international agreements contains a framework which works for the betterment of individual at a global level which has provisions for its mechanism of administration of policies in a fairer manner. Today the scenario has changed which can be evident through political system and

⁶ www.researchgate.net
competition practices, therefore a strong IPR system and unification of nations at multiple areas is required. This not only caters revenue flow in the economy but also become a backbone in sustainable development of states.

- OAPI joins with the Madrid Protocol which will provide protection to brand owners in more than 100 countries through one single international application on 5. March 2015.

- For statistical analysis, Cameroon has been taken into consideration which demonstrates from the table regarding IP filing, applications and registration at domestic level before OAPI become a part of Madrid Protocol.

2.1 Ip Filing Resident +Abroad, Including Regional And Economy

Table (i)

Table clearly states that the patent filing is more dominant compare to trademarks and industrial designs which has contributed addition to the constant GDP growth of the nation.

10 www.wipo.int
TRADEMARK APPLICATIONS

Table (ii)\(^{11}\)

Table concludes that in the 2\(^{nd}\) decade more of the residents of abroad has filed for trademark application. On the other hand though the residents are comparatively very less to foreigners but the residents are increasing through which it can be assumed that the development in the socio-economic scale level is considerably increasing as well as awareness of IPR system in the state.

\(^{11}\) www.wipo.int
This table signifies that the abroad registration is very high compared with residents during 2014. In 2015, OAPI was in the process of Madrid Protocol enforcement. This Protocol is a boon for the applicant that it can proceed with a single international application and get its trademark registered in a large number of nations in one goal. It also covers the mechanism of mark in a simple way. Even a change in its procedure will require a single step for its implementation and execution.

3. MADRID SYSTEM
Trademark can be get registered in numerous jurisdictions across the world by 2 independent treaties and they are:

- The Madrid Agreement (the Agreement)
- The Madrid Protocol (the Protocol)

Regardless to its name, the Protocol is a different treaty and not a “procedure or regulation” to the Madrid Agreement. Together, these two are known as the Madrid System for the International level Registration of trademarks. Countries member to agreement / protocol or any organization being a part of protocol are collectively known to be contracting parties. They deemed unified as a Union and a Special Union reference is also given in Art. 19 of Paris Convention. The Madrid Union has a status of a centrally administered system (by the International Bureau - World Intellectual Property Organization, WIPO) for obtaining a quantum of trademark registrations in diverse jurisdictions, creating a platform for an “international registration” of trademarks.

3.1 Difference Between Madrid Agreement And Madrid Protocol
- Parallel Treaties
- Independent treaties.
- Separate but overlapping regulations and memberships.

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<tr>
<th>S.No.</th>
<th>Madrid Agreement</th>
<th>Madrid Protocol</th>
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<tbody>
<tr>
<td>1. Basic</td>
<td>Filed - After national</td>
<td>Filed - Even if national registrati</td>
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the agreements do not friction with the provisions of Convention.

12 www.wipo.int
13 Paris Convention : The countries of the Union has the right to make independently between themselves special agreements for the protection of industrial property, unless
14 ssrana.in
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<tr>
<td>2. Refusal (Period)</td>
<td>Trademark office within 12 months have to inform International Bureau in case of any objection has been raised</td>
<td>Period of 18 months or longer in case of any opposition</td>
</tr>
<tr>
<td>3. Protection Term</td>
<td>20 years which is subjected to renewal</td>
<td>10 years which is subject to renewal</td>
</tr>
<tr>
<td>4. Fee Structure</td>
<td>Charges independently for each contracting state</td>
<td>Less compare to agreement fee structure</td>
</tr>
<tr>
<td>6. EU (membership)</td>
<td>Not a Party</td>
<td>Party to Protocol</td>
</tr>
<tr>
<td>7. Language</td>
<td>French</td>
<td>French, Spanish or English</td>
</tr>
</tbody>
</table>
3.2 Registration Procedure Internationally Of Madrid Protocol

Requirements
To make use of this system, an applicant must fulfill certain requirements and they are as follows:
- national of member state or
- resident of member state or
- should have a real industrial or commercial industrial establishment in member country.

This helps in locating applicants - country of origin.

Application process
✓ The applicant firstly file a TM application or have a TM being registered in the state which can be done by the local trademarks office in compliance with the country’s.
✓ Once the TM is filed or registered, in the next step the application is made to the WIPO by the local TM office to extend further the trademark application to the designated member states.

Then each member country will then examine and on that basis it may accept or not the application depending on their local regulation so to make sure there would no contravention of its local rules.

3.3. Advantages Of The Madrid System
- The Madrid System is advantageous to the trademark owners. An applicant can make use of different languages for filing a single application - languages, namely English, French or Spanish by paying a single set of fees.
- The instances of any kind of mark infringement can be reduced at an extent with the facility of free online databases of marks registered in the Madrid System.
- The Protocol give the service of reasonably quick examination i.e. 12 months.

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15 www.altacit.com
or 18 months for the application by the trademark offices of the nationals.

- If the contracting party (office) does not address any notification for refusal within the time duration as set by the Madrid System, the mark will automatically get the right of enjoyment as well as protection in the contracting party in question for registration.

- All changes in the international registration whether
  - It can be modification in name and/or address of the holder of the trademark.
  - Alteration in total or partially in ownership of the holder of the trademark or
  - Addition or deduction in the list of goods and services in reference of all or few of the designated parties of the Protocol.

- It can be amended by a single procedure with the International Bureau effectively and efficiently.

- Due to single expiry date regardless of the diverse number of contracting parties of the Madrid protocol which is designated in the international registration of trademarks using the Madrid System. This uniformity in rules make the procedure or in the matter of any remedy unbiased and unambiguous.

### 3.4 Status Of OAPI In Madrid Protocol

OAPI\(^\text{16}\) has set down its instrument of accession to the protocol on 5. Dec.2014. In order to give affect to Madrid Protocol.

**Trade Marks - OAPI**

OAPI registrations enabled protection in:
- Benin, Burkina-Faso
- Cameroon,
- Central African Republic, Chad,
- Congo,
- Equatorial Guinea,
- Gabon, Guinea,
- Guinea-Bissau,
- Ivory Coast,
- Mali, Mauritania,
- Niger,
- Senegal,
- Togo
- The Union of the Comoros.

**International Arrangements**
- Paris Union, Bangui agreement and Madrid Union (Protocol)
- It was effective on 5.Mar.2015 but till date no amendment has been given for international registration.

**International registrations - OAPI are neither valid nor enforceable**

OAPI deposited its instrument of accession to the Madrid Protocol on 5 December 2014. In order to give effect to its Madrid obligations, legislation must be passed which recognizes those obligations. No such legislation has been passed. Consequently, International registrations are currently unenforceable in this territory.

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\(^{16}\) www.spoor.com
4. ISSUE RELATED TO MADRID PROTOCOL

- In Mar. 2015 two new territories of Africa joined the Madrid Protocol which are:
  - Zimbabwe
  - OAPI. (OAPI is the single-registration IP union that covers much of French-speaking Africa.)

OAPI

- The main concern is that, on what basis OAPI acceded to the Protocol which is done through the resolution conducted by its Administrative Council. Many of the IP lawyers were amazed with the fact in reference to international registration which has been done by Council for which it is incompetent.

- One issue related to comparison between European Union and OAPI is that; the states in EU has incorporated the international treaties in its national statute and on the other hand OAPI member state has not incorporated such statute the way EU has done with its member states.

- Critics stated concern over various issue that the organization was created by the way of the Bangui Agreement and this agreement derived from treaties like the Berne Convention and the Hague Agreement; that the Bangui Agreement in its document makes no statement or subject related to international registration or the Madrid Protocol nor does the Agreement has been amended.

- Critics stated that the organization may in a better procedural manner could acceded to the Protocol through the way of amendment to the Bangui Agreement, followed with the ratification by the legislatures of the member states.

- Many lawyers who were practicing in OAPI countries became quiet vocal in their expressions. These criticism considerably has an effect. Accreditation of these lawyers has been withdrawn by the OAPI. This act may be further concluded as an issue in court as the livelihood of the lawyers is at stake now. If it happens then definitely it will become an issue in court regarding the validity of OAPI accession to Madrid Protocol.

Zimbabwe

- In common law countries, the rule they follow is that, any foreign statute to become effective, firstly it has to get incorporated into national law by the way of statute. The problem in this country exists in a number of common law countries. Despite this fact Protocol is in force thou not incorporated in its national law. There is a big confusion related to its validity and enforceability in Zimbabwe.

- Liberia, Namibia, Sierra Leone, Swaziland and Zambia have similar concerns related to it.
  - Such criticism has raised the concern related to state’s approaches towards

17 www.spoor.com
18 www.ensafrica.com
international law which can either be monistic or dualistic as well as comparison with European Union.

- For that it is very important to understand the European Union setup regarding incorporation of international law in its member states and condition of conflicts arises between the national law and union law.
- With reference to EU , what is the status of African Union.

4.1 Monism And Dualism

The interconnection and interdependence of the international law and municipal law with relation to the concept of sovereignty of states has led to the way of legal theories determining the scope of monism and dualism.

**Dualism:** The dualism theory consider the level of the international and national legal order are equal but completely independent and different in their own approaches, which coexist with each other in parallel. In short there is no relation of any kind of subordination between the two systems.

**Monism:** The monism theory makes that the rule of municipal law is in the same aspect with that of international law. This theory states that national law is derived from the concept of international law.

5. EUROPEAN UNION (BRIEF)

The European Union (EU) is a union made for economic and political corporation of certain countries in Europe. 28 European countries are generally the members of the Union.

Without the United Kingdom, there will be 27 members in future (Lisbon treaty – after full compliance with procedure).

The Treaties which are the foundation of the European Community is renamed as the ‘Treaty on the Functioning of the European Union’ and the word ‘Community’ was replaced by ‘Union’ throughout the text.

The Lisbon Treaty formally recognizes the European Council as an institution, responsible for providing the Union with the ‘momentum necessary for its development and prosperity’ and for determining its ‘general political agenda and priorities for its well being’.

In a various event of important rulings of the ECJ i.e. European Court of Justice has paved the way for the development of the doctrine of supremacy of EU over municipal law.

- The ECJ stated that the Community consist of a new legal order in international law, for whose development and appreciation the States have limited their sovereign rights, though within limited scope.

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19 www.ugb.ro
20 www.citizensinformation.ie
21 www.europarl.europa.eu
22 Case Law : Van Gend en Loos (1963)
The ECJ stated the doctrine of supremacy of European Community law over national law. There are 2 main important observations taken in the relationship between Community law and municipal law. The Member States have transferred sovereign rights to a Community created by the consent of all of them. This process cannot be reversed by any sort of unilateral measures which are conflicting with the concept of the Community law.

EU law is supreme over provisions of national constitutions. In the case the conflict between an EC regulation and provisions of the constitution of Germany. The constitution is apex in the hierarchy of legal rules to statute law and this is the cause that any ordinary law is subordinate to it and become invalid if it goes against it, the EC law had been incorporated into Germany by statute, through the Act of ratification. There was no point written in the constitution of where any of its provision could be overridden by EC law thou Art. 24 GG provided that ‘the transfer of sovereign powers to intergovernmental institution’. Therefore ECJ was in the opinion that EC law is supreme.

In Simmenthal case, the ECJ stressed on the fact that supremacy of EU law affects both prior and future law of the state. The fact of the case states Italian law passed in 1970 for that Simmen was made to pay an amount as for a public health inspection when importing some beef (France to Italy). It was in contradiction to the EC Treaty and two regulations passed in 1968. The two points when the case began has been highlighted that the Italian law was made before the prevailing of the two regulations. Secondly, Italian law had to be implemented by the courts of Italy until declared as unconstitutional by the Constitutional Court. It was held finally that the national courts have to work in accordance of the Community provisions.

In Factortame case, the conflict between provisions of the EC for the preventing any discrimination on the basis of nationality. It was later held that parts of the Merchant Shipping Act 1988 were contradicting as well as bias with the relevant provisions of the Treaty. Here, the outcome was that any law passed or to be passed in the United Kingdom must be interpreted with applicable European law.

In opposition, dualism means the system of international law and municipal law as separate. Some domestic legislation must be incorporated by the parliament in order for the execution of international law.

23 Case Law: Costa v ENEL
24 Case Law: Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle
26 Case Law: R (Factortame Ltd) v Secretary of State for Transport
law. UK had adopted dualism approach and remains rigid with the sovereignty of parliament. ‘The UK’s dualist approach signifies that international treaties to be enforced at the national level, they must be sanctioned priory by an Act of Parliament., Lord Denning MR confirmed this view in the case and asserted that ‘ no notice of treaties are taken by us unless they are embodied in laws enacted by Parliament.

6. AFRICAN UNION

The African Union (AU) is a union consisting of 55 countries. It was established on 26 May 2001 at Addis Ababa, Ethiopia. Some of Africa’s core security challenges in the present scenario includes:

• The issue related to state sovereignty notions.
• The lacking of common values which has given rise to regionalism.

The duty of OAU is supporting collective struggles

✓ national liberation from colonialism,
✓ racial discrimination and apartheid.

The principles related to equality, respect for sovereignty, non-interference aspects as well as territorial integrity are the parameters of inter-governmental collaboration within the AU.

The heads of state of the African Union (AU), which is the regional body working for African integration, have decided to form a Pan-African Intellectual Property Office (PAIPO),

Ordinary Session of the African Union Summit met from 21-28 January 2013 in Ethiopia, under the theme: “Pan-Africanism and African Renaissance.” The AU website states the Union’s goals as “accelerating the process of integration in the continent while addressing multiple issues of social, economic and political problems compounded with the effect of globalization.”

It stated that the main mission of the AU is primarily to make

✓ Continent free of colonization and apartheid.
✓ Promote unity and solidarity in states.
✓ Coordinate and intensify cooperation.
✓ Safeguard the sovereignty and territorial integrity.
✓ Promote international cooperation within the framework of the UN.

There is currently no IP office for all of Africa except the national and two regional offices which are drafted and executed in an efficient manner for Africans and non-Africans. Therefore it would be much simplified procedure for bringing amendment in the Bangui

27 Case Law: Blackburn v Attorney General (1972)
28 www.omicsonline.org
29 www.ip-watch.org
Agreement compared to stating a new provision related IPR at this point. Capability of a nation is not the question but the history of the territory and consequences from the past and the present is the concern. An African Union Law supremacy can be brought but, for that the states of the continent are not prepared and if they indulge in the process, things will become more complex which lead to delay in legislation for years and the pace of development would become very slow in this nation. On the other side Agreement has consent and execution of it has been started in 1900’s so the change can be done in the single procedure easily.

7. CONCLUSION

OAPI, The organization was formed to organize strategy for the administration to protect intellectual property rights for its development. The Administrative Council is the highest authority of the Organization that determines the general policy to regulate and control the activities to encourages foreign investment as well as domestic innovations, it was necessary for the recognition of OAPI at international level, due to which through a resolution passed by the administrative council OAPI became a part of Madrid Protocol. This Act in itself has give an uproar among the IP law firms as well as other lawyers that the procedure followed by the council was not lawful as it was not in its function. They demanded for the amendment in its former Agreement by inserting clause for international registration which has not till date took place in the Agreement. In case of other common law countries matter can be sort through incorporation in its national statute in a time frame for effective results. There was also another issue concerning that the critics that EU law permits any treaty to get implemented in its member state only after its incorporation in its national statute which was not in the case of OAPI which led to question related to international approaches adopted in EU as well as supremacy in case of conflict between municipal and Union law. African Union on the other hand has not reached till the stage of EU and its roots are not stable as an integrated nation due to colonialism, apartheid and extremism. Therefore national and regional offices for IPR protection are given weightage for residents and non-residents as it is adequate for the execution of its purpose and also for any amendment to resolve any conflict in the present situation. Therefore amendment is the far better option in the Agreement for regional cooperation so that the enforceability of Madrid Protocol can be validated.

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