

GLOBALIZATION, SOVEREIGNTY AND ETHIOPIA IN THE AGE OF IP CREATIVE JURISPRUDENCE

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Abstract

Intellectual property (IP), trade, national language (lingua franca), sports and other socio-cultural interventions could be an agency for economic and national unity. This short communication analyses the intersection of contemporary IP international regimes and socio-economic development of a developing economy, using Ethiopia as a case study. The research further analyses the intersection of IP systems of laws and other socio-economic concepts like globalization, human rights, and legal education. Human rights and intellectual property have become a current subject of legal scholarship as evidenced in the recent Marrakesh Treaty signed by more than eighty countries. Recently, Ethiopia entered a multilateral agreement to participate in an e-commerce platform. The implication for Ethiopians could range from exposures to digital creative jurisprudence to full participation in the creative culture of the networked digital era. However, Ethiopia currently does not belong to any major Internet Treaty or intellectual property (IP) Treaty, and this paper seeks to explore the implications for its economic and developmental innovation and creativity policies. Multilateral economic and investment Treaties in this millennium represent manifestations of the impacts of globalization. Sovereign and political rights proponents have raised concerns about the derogation of political and economic capacities of nation-states because of globalization. The protagonists of national sovereignty and constitutional order demand the renegotiation of most of the international socio-economic Treaties. This paper will suggest ways of allaying the suspicions of sovereign dilution, which may be part of raison d'etre for the skepticism towards international economic and developmental Treaty regimes. As a starting point Ethiopia should use the template of its human rights Treaty recognition to sign or accede to international IP Treaties.

Keywords: Globalization, Sovereignty, Intellectual Property, Geographical Indications, International Law

INTRODUCTION

Ethiopia's overarching sovereign protective shield discourages the recognition of international political and economic regimes.¹ Ethiopia has not recognized nor signed major intellectual

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property Treaties. Apart from few human rights Treaties like the African Charter on Human and Peoples' Rights, Ethiopia remains non-receptacle to multilateralism. This paper critically analyzes and explores the theoretical background of Ethiopia's realities and the significance of international IP treaty jurisprudence for its national socio-economic development.

Multilateral economic and investment Treaties in this millennium represent a feature of globalization.² Recently, sovereign political rights proponents have raised concerns about the derogation of political and economic capacities of nation states because of globalization.³ The protagonists of national sovereignty and Constitutional Order demand the renegotiations of most of the international Socio-economic Treaties.⁴ African economies are in the forefront of the demand for the renegotiation of international intellectual property regimes and policies to address the peculiar issues relating to the creative jurisprudence of their people.⁵ However, Ethiopia has an historical skepticism in recognition of international Treaty regimes.⁶

The work analyzes the significance of international IP treaty jurisprudence for Ethiopia's national socio-economic development in three parts. Part One includes the introduction and a brief historical background on the intervention of international law and technology in protection of creativity. It further explores the digital era of rapid law reforms, innovative economic growth, and the theoretical background of Ethiopia's realities. Part Two critically examines Ethiopia's current jurisprudential creative regimes in the digital era. Part Three analyzes the role and potentialities of the Ethiopian Law Schools in promoting and enhancing the national creative policies and investment opportunities.

¹ ALBERTO SBACCHI, ITALIAN COLONIALISM IN ETHIOPIA 1936-1940 (1980); See also Irma Taddia, *Ethiopian Sovereign Material and Colonial Rule in the Nineteenth Century, The Letter of Menilek (1899) by Blatta Gabre-Egziabeher*, 35 J. AFR. HIST. 493-516 (1994).

² Ruth L. Okediji, *Legal Innovation in International Property Relations: Revisiting Twenty-One Years of the TRIPS Agreement*, 38 U. PA. J. INT'L. L. 232-33 (2014).

³ Shahid Yusuf, *Globalization and the Challenges for Developing Countries*, World Bank Policy Research Working Paper No. 2618 (June 2001), <https://ssrn.com/abstract=632686> (visited April 27, 2020).

⁴ *Id.*

⁵ Ruth L. Okediji, *A Tiered Approach to Rights in Traditional Knowledge*, 58 WASHBURN L. J. 271 (2019).

⁶ Antoinette Ladarolia, *Ethiopia's Admission into the League of Nations: An Assessment of Motives*, 8 INT'L J. AFR. HIST. STUD. 601-622 (1975).

Finally, this short piece suggests ways of allaying the suspicions of *sovereign dilution*,⁷ which may be part of Ethiopia's non-recognition of international Treaty regimes. Perhaps, as a starting point Ethiopia should use the template of its human rights Treaty recognition to sign or accede to international IP Treaties like the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who are blind Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty), a Treaty that intersects with human rights.⁸ The Marrakesh Treaty came into force on September 30, 2016, while member nations signed it June 27, 2013.

1. SOVEREIGNTY, GLOBALIZATION AND ETHIOPIA

National political systems have consequential impacts on the socio-economic growth of nation-states.⁹ Participatory democracies have spurred economic growth and raised the internal entrepreneurial spirit of peoples under their political system.¹⁰ In most representative democracies the platform of the governed to express themselves and exercise fundamental freedoms like free speech and right to association encourages inventiveness and creativity.¹¹ In return the governed engages the political class to protect their creativity while balancing innovative objectives for societal goods.¹² Ethiopia has gone through phases of political systems

⁷ The fear of eroding the political and economic rights of a nation-state.

⁸ Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (Marrakesh Treaty); <https://wipolex.wipo.int/en/treaties/textdetails/13169> (visited April 27, 2020); On March 13, 2020, Ethiopia ratified the Marrakesh Treaty.

⁹ Caroline B. Ncube, *Three Centuries and Counting: The Emergence and Developments of Intellectual Property Law in Africa* in THE OXFORD HANDBOOK OF INTELLECTUAL PROPERTY LAW (ROCHELLE C. DREYFUSS& JUSTIN PILE, EDS., OXFORD UNIVERSITY PRESS, 2017) ,<https://ssrn.com/abstract=2828680> (visited April 27, 2020) ; *See also* Jay P. Kesan & Andres A. Gallo, *The Political Economy of Intellectual Property Reforms* in RESEARCH HANDBOOK ON ECONOMICS OF INTELLECTUAL PROPERTY LAW VOL. 2: ANALYTICAL METHODS (Peter S. Menell& David L. Schwartz, eds., Edward Elgar Publishing, 2019), <https://ssrn.com/abstract=3475637> (visited April 27, 2020) ; Richard L. Dixon, *The Challenge and Complexities of Nation-State Sovereignty in the Era of 21st Century Internationalism*, <http://ssrn.com/abstract=1886727>(visited April 27, 2020); *See also* Paul S. Berman, *The Globalization of Jurisdiction*, 151 U. PENN. L. REV. 311-529 (2002).

¹⁰ John F. Helliwell, *Empirical Linkages between Democracy and Economic Growth* 24 BRITISH J. POL. SCI. 225-248 (1998) (<https://doi.org/10.1017/S0007123400009790>) (visited April 27, 2020). ; *See also* Hristos Doucouliagos & Mehmet A.Ulubasolu, *Democracy and Economic Growth: A Meta-Analysis*, 52 AM. J. POL. SCI. 61-83 (2008).

¹¹ *See* Jessica M. Silbey, *Intellectual Property Harms: A Paradigm for the Twenty-First Century*, 99 BOSTON U. L. REV. 2447 (2019).

¹² Jeremy N. Sheff, *Philosophical Approaches to Intellectual Property Law Scholarship* in HANDBOOK ON INTELLECTUAL PROPERTY RESEARCH (Irene Calboli & Maria Lilla Montagnani, eds., Oxford University Press, 2019) (<https://ssrn.com/abstract=3273926>; *See also* Annabelle Lever, *New Frontiers in the Philosophy of Intellectual Property: Introduction*, <https://ssrn.com/abstract=2507501>(visited April 27, 2020) ; *See e.g.* Anne Barron, Kant, *Copyright and Communicative Freedom*, 31 LAW & PHILOSOPHY 1-48 (2012); *See further e.g.* ROBERT P. MERGES, JUSTIFYING INTELLECTUAL PROPERTY 1 (HARVARD UNIVERSITY PRESS, 2011).

and currently it is experiencing participatory democracy, which comes with expansion of entrepreneurial economic space for its people.¹³ The recent opposition against globalization may not be new in Ethiopia's geo-political experience.¹⁴ Ethiopia historically resisted and defeated the forces of colonial governance and subjugation.¹⁵

A. Globalization Muddled Sovereignty

The beginning of the twentieth century witnessed the conscious interaction of trade and political activities among global nation states, which culminated in accessions by these countries to international Treaties with reciprocal binding effects on themselves of monumental influence in global affairs.¹⁶ A nation's sovereignty represents its pride and political authority to determine the affairs of the people within the political geographical borders.¹⁷ Sovereignty also impels people's self-determination and 'self-definition.'¹⁸ Recent, global events like *Brexit*, anti-immigration sentiments and the rise of political nationalism are the fallout from the exercise of national sovereignty as opposed to globalization.¹⁹ This paper draws a connection between Ethiopian's slow approach to accession to IP Treaties and the anti-globalization sentiments in addition to guarding its sovereignty.

¹³ Kains Tuori, *Legal Pluralism and Modernization: American Law Professors in Ethiopia and the Downfall of the Restatements of African Customary Law*, <http://ssrn.com/abstract=1814997> (visited April 27, 2020) ; See also Awol K. Allo, *How a Major Anti-Colonial Victory Divided Ethiopia*, ALJAZEERA (May 1, 2019), <https://www.aljazeera.com/indepth/opinion/major-anti-colonial-victory-divided-ethiopia-190228104728425.html> (visited April 27, 2020); See e.g. New York Times, *The Battle of ADWA! Reports from New York Times Archives* (March 2, 2011), http://ethiopiaforums.com/the-battle-of-adwa-reports-from-new-york-times-archives/5488/?fbclid=IwAR3ctByz_bF_skRjI0tzUuW0DE_MH8NFP5_tZ2QILuDu6GWdD_1hL9CFz6k (visited April 27, 2020).

¹⁴ Sbacchi, *supra* note 1.

¹⁵ Paul Schemm, *Africa's Real Wakanda and the Struggle to Stay Uncolonized*, The Washington Post (February 27, 2018), <https://www.washingtonpost.com/news/worldviews/wp/2018/02/27/africas-real-wakanda-and-the-struggle-to-stay-uncolonized/> (visited April 27, 2020).

¹⁶ See Ruth Okediji, *Legal Innovation in International Intellectual Property Relations: Revisiting Twenty-One Years of TRIPS Agreement*, 36 U. PENN. J. INT'L 101 (2014).

¹⁷ Richard L. Dixon, *The Challenge and Complexities of Nation-State Sovereignty in the Era of 21st Century Internationalism*, <http://ssrn.com/abstract=1886727> (visited April 27, 2020).

¹⁸ Shin Imai, *Indigenous Self-Determination and the State*, <https://ssrn.com/abstract=1262780> (visited April 27, 2020).

¹⁹ James Forsyth, "Brexit is A Fight for the Very Sovereignty of Our Nation" THE SPECTATOR (December 15, 2018), <https://www.spectator.co.uk/2018/12/brexit-is-a-fight-for-the-very-sovereignty-of-our-nation/> (visited April 27, 2020) ; Ralph C. Bryant, *Brexit: Make Hard Choices but Don't Confuse Sovereignty with Autonomy*, Brookings (December 21, 2018), <https://www.brookings.edu/blog/up-front/2018/12/21/brexit-make-hard-choices-but-dont-confuse-sovereignty-with-autonomy/> (visited April 27, 2020).

Ethiopia has not recognized nor signed major intellectual property Treaties. Apart from human rights Treaties like the African Charter on Human and Peoples', Ethiopia is reluctant to adopt socio-economic multilateralism.²⁰ However, in the last half of the past decade, Ethiopia engaged the global IP community in political, social and legal alliance.²¹ The results of those engagements have not yielded substantial IP law reforms.

Towards the end of the last decade, the creative and inventive spaces globally expanded with enhanced regimes.²² Intellectual property interfaced with food production, traditional cultures, and humanitarian-human rights with deliberate visibility.²³ Attracting foreign direct investment in technology, and creative based industries, which Ethiopia needs to expand its income-revenue base, requires a privatized and local content entrepreneurial economy.²⁴ Ethiopia should liberalize its economy with an enhanced intellectual property rights' regime for investors and creators.²⁵ Ethiopia stands to benefit on scale economically in enhancing its legal regimes for innovative rights, international trade and investments.²⁶

Investment in technology comes with the beneficial interest of IP ownership rights bundle (patent, copyright, trademark and similar regimes).²⁷ The multiplier industrial benefits include downstream and upstream investment in telecommunications, digital and cyberspace commerce,

²⁰ Okediji, *supra* note 2; WIPO, *The Coffee War: Ethiopia and the Starbucks Story*, https://www.wipo.int/ipadvantage/en/articles/article_0082.html (visited April 27, 2020).

²¹ Yinka Awosanya, *Ethiopia is Welcoming Foreign Investors to Its Budding Internet Startup Space*, TECHPOINT (July 9, 2019), <https://techpoint.africa/2019/07/09/ethiopia-want-foreign-investors-for-its-budding-startup-space/> (visited April 27, 2020); Mahlet Fasil, *News: Alibaba Group to Help Ethiopia set up first eWTP Hub, The Second in Africa*, ADDIS STANDARD (November 25, 2019), <https://addisstandard.com/news-alibaba-group-to-help-ethiopia-set-up-first-ewtp-hub-the-second-in-africa/> (visited April 27, 2020);

²² Okediji, *supra* note 2; *supra* note 5.

²³ See Tesh W. Dagne & Chidi Oguamanam, *ICTs in Agricultural Production and Potential Deployment in Operationalizing Geographical Indications in Uganda*, OPENAIR AFRICAN INNOVATION Research Working Paper 14 (August 27, 2018), <https://static1.squarespace.com/static/5c5f29f04d546e3b8a4880c8/t/5da9f8216f10dc226686cc91/1571420193913/WP-14-ICTs-in-Agricultural-Production-and-Operationalising-GIs-in-Uganda.pdf> (visited April 27, 2020).

²⁴ See Vera Songwe, *A Continental Strategy for Economic Diversification through the AfCFTA and Intellectual Property Rights*, Brookings (January 8, 2020), <https://www.brookings.edu/research/a-continental-strategy-for-economic-diversification-through-the-afcfta-and-intellectual-property-rights/>; Brookings, *Foresight Africa: Top Priority for the Continent 2020-2030*, Brookings Institute (January 8, 2020), <https://www.brookings.edu/multi-chapter-report/foresight-africa-top-priorities-for-the-continent-in-2020/> (visited April 27, 2020).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

digital and mobile banking.²⁸ For example, new business platforms in the mould of the ride-share enterprise, “*Ride*”, would expand the employment base of Ethiopia.²⁹ Internet availability and accessibility in Ethiopia is currently unsatisfactory but a liberalized, democratized and private entrepreneurial approach to this progressive industry would increase innovative and creative capacity of industrial innovators.³⁰

The Africa Continental Free Trade Area Agreement (AfCFTA), opens up a multiplier front for Ethiopian IP rights and creates an opportunity to increase regional trade in IP related products while diversifying the national economy.³¹ Therefore, Ethiopia should engage the rest of the Treaty member-nations from the earliest stages in negotiating Phase II of AfCFTA, which includes the leveraging of IP rights of members for national economic growth.

B. Is Ethiopia on the Networked and Creativity Path?

The Internet Treaties, which represents the technologically enhanced regimes for creative activities of the early part of last decade, radicalized, liberalized and democratized economic productive ventures across the globe.³² Ethiopia attempted to adapt its intellectual property regimes in 2014 to accommodate the digital productive renaissance.³³ However, this paper concludes that these efforts fell short of the leap Ethiopia needed to spur its innovation growth. For example, the concept of *Patent of Introduction*, a doctrine under the Ethiopian Patent law, which allows the working of foreign patented inventions and designs, seems to permit the

²⁸ Brookings, *supra* note 24.

²⁹ *Id.*

³⁰ Yinka Awosanya, *Ethiopia is Welcoming Foreign Investors to Its Budding Internet Startup Space*, TECHPOINT (July 9, 2019), <https://techpoint.africa/2019/07/09/ethiopia-want-foreign-investors-for-its-budding-startup-space/> (visited April 27, 2020).

³¹ Songwe, *supra* note 24.

³² See WIPO Copyright Treaty, adopted Dec. 20, 1996. WIPO Doc. CRNR/DC/94 (WIPO Copyright Treaty) (WCT); See also WIPO Performances and Phonograms Treaty, adopted Dec. 20, 1996, WIPO Doc. CRNR/DC/95 (WIPO Phonograms Treaty) (WPT); Tesfa- AlemTekle, *Ethiopia, Alibaba Group Sign Agreement to Launch eWTP*, Borkena.com (November 25, 2019), <https://borkena.com/2019/11/25/ethiopia-alibaba-group-sign-agreement-to-launch-ewtp/> (visited April 27, 2020); Mahlet Fasil, *News: Alibaba Group to Help Ethiopia set up first eWTP Hub, The Second in Africa*, ADDIS STANDARD (November 25, 2019), <https://addisstandard.com/news-alibaba-group-to-help-ethiopia-set-up-first-ewtp-hub-the-second-in-africa/> (visited April 27, 2020).

³³ Copyright and Neighboring Rights Protection (Amendment) Proclamation No. (872/2014) (Ethiopia) (attempting to reform Copyright and Neighboring Rights Protection Proclamation No. 410/2004, Ethiopia, the main law that set out to protect copyright and similar creative works).

unauthorized infringement of patented works.³⁴ Perhaps, a robust compulsory license scheme, which Ethiopian law recognizes could have been a more preferred or investment friendly approach.³⁵ This Section will focus on three principal international Treaties that implicate the socio-economic and innovative legal regimes of this millennium.

The World Intellectual Property Organization Copyright Treaty (WCT) has become an effective tool to protect creativity in cyberspace and the Internet ecosystem.³⁶ The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (The Marrakesh Treaty) grants Ethiopia the added advantage of continuing its existing efforts to empower the visually impaired and sight challenged citizens in the innovation realms.³⁷ The Geneva Act of the Lisbon Agreement (Geneva Act) (2015) and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (Lisbon Agreement) (1958).³⁸ Legal scholars refer to The Geneva Act and the Lisbon Agreement most times as the *Lisbon System*.³⁹

The Lisbon system impels an agrarian economy like Ethiopia to maximize its natural food and non-food resources.⁴⁰ Ethiopia is abundantly rich in unique honey, Teff, cotton, coffee, and cut-flower.⁴¹ A proper organized and executed geographical indications (GI) regime would

³⁴ A Proclamation Concerning Inventions, Minor Inventions, and Industrial Designs No. 123/1995, § 5 (18), (Ethiopia).

³⁵ *Id.* § 7.

³⁶ Ruth L. Okediji, *The Regulation of Creativity Under the WIPO Internet Treaties*, 77 *FORDHAM L. REV.* 2379 (2009).

³⁷ Mohammad Ataul Karim, *Accessible Book Format for Persons with Visual Impairments*, *The Daily Star* (August 19, 2019), <https://www.thedailystar.net/law-our-rights-advocacy/news/accessible-book-format-the-persons-visual-impairments-787554> (visited April 27, 2020); *See also* Everest Amaefule, *Nigeria Ratifies Internet Copyright Treaties*, *The Punch Newspaper* (October 9, 2019), <https://punchng.com/nigeria-ratifies-internet-copyright-treaties/>; https://www.wipo.int/portal/en/news/2017/article_0017.html (visited April 27, 2020); *See e.g.* Takele Soboka Bulto, *The Monist-Dualist Divide and the Supremacy Clause: Revisiting the Status of Human Rights Treaties in Ethiopia*, 23 *J. Ethiopian L.* 132 (2015) <https://ssrn.com/abstract=1408842> (visited April 27, 2020).

³⁸ World Intellectual Property Organization, *Geographical Indications: An Introduction 23-41* (Geneva, 2017) (ISBN 978-92-805-2280-8); *The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (The Lisbon System)*.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *The Epoch Times*, *Tiny Teff: A Small but Mighty Ancient Whole Grain* (August 19, 2019), https://www.theepochtimes.com/tiny-teff-a-small-but-mighty-ancient-whole-grain_3033348.html/amp

maximize the economic and legal outcomes from these food products.⁴² The value and economic leverage attached to the place of origin of a product, whether food or non-food is a contemporary global IP rights maximization scheme.⁴³ The Lisbon system offers a near global (international) legal protection for origin-based products.⁴⁴ The appellation Treaties form part of the Internet and Internet-Plus Treaty regime of the last few decades and an effective tool for developing countries like Ethiopia to leverage the embedded opportunities they avail for impelling its socio-economic index.⁴⁵

2. ETHIOPIAN INNOVATION AND CREATIVITY REGIMES

A. The Impact of WCT on Creativity

In 1998, through the influence of the World Intellectual Property Organization (WIPO) Copyright Treaty (WCT), the United States adopted digital copyright regimes into its copyright legislation.⁴⁶ The United States added the Digital Millennium Copyright Act (DMCA) as part of the copyright law due to the changing legal landscape.⁴⁷ The WIPO's international push through treaties and consultations with member-states has influenced changes in national copyright laws to reflect the economic realities of the digital era.⁴⁸ Ethiopia's IP laws have not fully recognized the evolving and established practices of the contemporary digital and cyberspace socio-legal construct. The current scenario puts indigenous and foreign creators within Ethiopian space at a disadvantage economically and socially.

⁴² Justin Hughes, *The Limited Promise of Geographical Indications for Farmers in Developing Countries* in *Geographical INDICATIONS AT THE CROSSROADS OF TRADE, DEVELOPMENT, AND CULTURE-FOCUS ON ASIA-PACIFIC* 66-86 (IRENE CALBOLI & WEE LOON NG-LOY, EDS., CAMBRIDGE UNIVERSITY PRESS, 2017).

⁴³ The World Intellectual Property Organization (WIPO), *Main Provisions and Benefits of the Geneva Act of the Lisbon Agreement* (2015) (Geneva, 2018).

⁴⁴ *Id.*

⁴⁵ Songwe, *supra* note 24.

⁴⁶ *See* Digital Millennium Copyright Act Pub. L. No. 105-304, 112 Stat. 28860 (1998); *See also* Samuel Samiai Andrews, *Reconceptualizing International Copyright Laws to Protect African Creative Industries*, 1 OAU L.J. 217, 225-27 (2018).

⁴⁷ *Id.*

⁴⁸ *See* WIPO Copyright Treaty, adopted Dec. 20, 1996. WIPO Doc. CRNR/DC/94 (WIPO Copyright Treaty) (WCT); *See also* WIPO Performances and Phonograms Treaty, adopted Dec. 20, 1996, WIPO Doc. CRNR/DC/95 (WIPO Phonograms Treaty) (WPT).

The international creative communities led by the United Nations initiated several treaties to regulate the use and compensation systems of cultural materials.⁴⁹ The UNESCO and WIPO are in the process of adopting a legal regime that is globally acceptable for protecting cultural proprietary rights of indigenous people and traditional societies.⁵⁰ However, the efforts of these organizations have been dragging out for more than two decades.⁵¹ The current international IP regime has been in existence for more than three hundred years.

In 1886, the industrialized and developed nations signed the first major and effective global IP treaty, the Berne Convention.⁵² The Berne Convention established the legal platforms for transnational and international copyright protection and enforcement.⁵³ In 1952, the Universal Copyright Convention attempted to address the perceived shortcomings of Berne Convention but failed. However, economic, and technological modes of production and creation have evolved beyond the 1886 era in the contemporary twenty-first century.

The technological mode of economic productions influenced the changes in copyright regimes from the late 1990s with the WCT.⁵⁴ The Internet treaties of the late 1990s and the early

⁴⁹ See Wendy Wendland & Jessyca V. Weelde, *Digitizing Traditional Culture*, WIPO Magazine (June 3, 2008) available at http://www.wipo.int/wipo_magazine/en/2008/03/article_0009.html; See also World Intellectual Property Organization, *Indigenous Community Goes Digital with High Tech Support From WIPO*, WIPO Media Center: Press Releases (August 5, 2009), http://www.wipo.int/pressroom/en/articles/2009/article_0030.html; See generally, Olufunmilayo Arewa, *Cultural Appropriation: When 'Borrowing' Become Exploitation*, *The Conversation* (June 20, 2016), <https://theconversation.com/cultural-appropriation-when-borrowing-becomes-exploitation-57411>; see also https://www.huffingtonpost.com/the-conversation-africa/cultural-appropriation-wh_b_10585184.html. (visited April 27, 2020).

⁵⁰ Arewa, *supra* note 49.

⁵¹ Chidi Oguamanam, *Ramifications of WIPO IGC for IP and Development* in PROTECTING TRADITIONAL KNOWLEDGE: THE WIPO INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE 339-346 (D. F. ROBINSON, A. ABDEL-LATIF & P. ROFFE, EDS., NEW YORK: ROUTLEDGE, 2017); see also Christine H. Farley, *Protecting Folklore of Indigenous Peoples: Is Intellectual Property the Answer?* 30 CONN. L. REV. 1 (1997); See e.g. Aman Gebru, *Intellectual Property Law and the Protection of Traditional Knowledge: From Cultural Conservation to Knowledge Codification*, <https://ssrn.co/abstract=2700537> (visited April 27, 2020).

⁵² See Berne Convention for the Protection of Literary and Artistic Works 1161 U.N.T.S., July 24, 1971; See also Agreement on Trade Related Aspects of Intellectual Property Rights, April 15, 1994. 33 I.L.M. 1197 (1994).

⁵³ After Berne Convention the international intellectual property regime introduced various treaties to adapt to the changing technological challenges implicating copyrights and other creative rights. For example, the WIPO Performance and Phonograms Treaty (1996) and the Rome Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations (Rome Convention) (1961), which is not an Internet Treaty but deals with changes in creativity ecosystems belong to the category of relevant international IP regimes.

⁵⁴ See Beijing Treaty on Audiovisual Performances, 51 ILM 1214(2012), Art. 2 (defining performers broadly to include any persons who perform literary or artistic works, including expressions of folklore and audiovisual fixation as any transmission of moving images through a device with or without sound); See also Beijing Treaty on

2000s, which includes the recent Beijing Audiovisual Treaty and Marrakesh Treaty responded to emerging technological innovations as regards the application of copyright laws.⁵⁵ However, the various international treaties do not recognize nor enforce effectively traditional intangible creations, cultures, and folklore.⁵⁶ In the era of digital innovations and cultural intangible expressions, current international treaties have done little to effectively protect traditional and indigenous proprietary rights in the ‘old’ and ‘new’ spaces.⁵⁷

B. The Ethiopian Digital IP Era Template

Most of the developed nations reformed their IP laws to reflect the acceded IP Treaties of the late 1990s.⁵⁸ The United States Congress, for example, enacted the DMCA as part of the United States’ laws.⁵⁹ The WCT heralded the recognition of technological intersections and creativity.⁶⁰ The WCT introduced a new legal order different from the traditional copyright methods and focused on forbidding unauthorized reproduction of literary creative and non-literary works enabled by technology.⁶¹ The advent of the Internet and technological innovations in the late 1980s gave birth to a digital economy.⁶² Legal scholars coined the term “digital copyright” to capture the connection between the emerging economy and the methods of creating copyrighted works for new platforms.⁶³

Audiovisual Performance, arts,5-12, June 24, 2012, WIPO Doc. AVP/DC/20, http://www.wipo.int/edocs/pubdocs/en/wipo_pub_beijing_flyer.pdf ; See e.g. Aaron Fellmeth, *Introductory Note to the Beijing Treaty of Audiovisual Performances*, 51 ILM. 1211 (2012) (describing in detail the WIPO diplomatic conference on the protection of audiovisual performances adopting the Beijing Treaty on Audiovisual Performances).

⁵⁵ Mihály Ficsor, *The WIPO “Internet Treaties.” The United States as the Main Source of Obstruction- As Seen by an Anti-Revolutionary Central European*, 6 JOHN MARSHALL REV. INTELL. PROP. L. 17 (2006).

⁵⁶ See Ruth L. Okediji, *Legal Innovation in International Property Relations: Revisiting Twenty-One Years of the TRIPS Agreement*, 38 U. PA. J. INT’L. L. 232-33 (2014).

⁵⁷ See Peter Jaszi, *Protecting Traditional Cultural Expressions: Some Questions for Lawmakers*, WIPO Magazine (August 2017), http://www.wipo.int/wipo_magazine/en/2017/04/article_0002.html

⁵⁸ See Samuel S. Andrews, *Reforming Copyright Law for a Developing Africa*, 66 J. COPYRIGHT SOC’Y USA 1 (2019).

⁵⁹ Digital Millennium Copyright Act Pub. L. No. 105-304, 112 Stat. 28860 (1998), codified at 17 U.S.C §§ 512 et seq. (2012).

⁶⁰ *Id.*

⁶¹ See Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994; Marrakesh Agreement Establishing the World Trade Organization; Annex 1C, Legal Instrument-Results of the Uruguay Round, 1869 U.N.T.S 299 (1994).

⁶² TARLETON GILLESPIE, WIRED SHUT: COPYRIGHT AND THE SHAPE OF DIGITAL CULTURE 8-9 (2007).

⁶³ See JESSICA LITMAN, DIGITAL COPYRIGHT 11, 166-86 (2006).

In Africa, policy makers and the political class have apathetically ignored the creative industries because of either political philosophies or cultural mores.⁶⁴ African creative industries include fashion, film, folk-lore, traditional culture expressions, sculpture, music, literature, literary works, drama, animation, and celebrity branding.⁶⁵ However, the African policy makers have not robustly developed the legal regimes and infrastructure to boost these creative industries.⁶⁶ Innovators on new platforms like the Internet and software programs-driven ecosystems began to rely on digital copyright regimes to protect their creativity such as Technical Protection Measures (TPM), Digital Rights Management (DRM), and takedown and put back processes, which have become significant components of copyright law.⁶⁷

C. The Marrakesh Treaty

Ethiopia, like most developing African countries, experiences severe visual disabilities among its population.⁶⁸ Ethiopia is actively pursuing the enhancement of educational and fulfillment of capacities for its disabled community.⁶⁹ At the University of Gondar, Ethiopia has a deliberate program in its curriculum for visually disabled students.⁷⁰ However, visually disabled creators and Internet challenged or otherwise print disabled persons still face the challenges of competing on an equal playing field within the cyberspace platforms for accelerating their creative and innovative potentials. The Marrakesh Treaty has opened the Internet and other cyberspace

⁶⁴ Carlos Lopes, *How Can Africa Profit from Its Creative Industries?* UNITED NATIONS ECONOMIC COMMISSION FOR AFRICA EXECUTIVE SECRETARY'S BLOG (Aug. 19, 2014), <https://www.uneca.org/es-blog/creativity-new-money>; *See also African Creative Industries: The Sleeping Giant*, AFRICAN BUSINESS MAGAZINE (Jan. 28, 2014), <http://africanbusinessmagazine.com/uncategorised/african-creative-industries-the-sleeping-giant/#article-author> (visited April 27, 2020).

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *See* Haile Woretaw & Destaye Shiferaw, *Prevalence and Associated Factors of Visual Impairment and Blindness at University of Gondar Teaching Hospital, Northwest Gondar*, 3 INT'L J. PHARM. & HEALTHCARE RCH. 48-54 (2015), https://www.researchgate.net/publication/335887391_Prevalence_And_Associated_Factors_Of_Visual_Impairment_And_Blindness_At_University_Of_Gondar_Teaching_Hospital_Gondar_Northwest_Ethiopia (visited April 27, 2020).

⁶⁹ Ingrid Lewis, *Education for Disabled People in Ethiopia and Rwanda*, <https://unesdoc.unesco.org/ark:/48223/pf0000186564> (visited April 27, 2020).

⁷⁰ Heather M. Aldersey et al, *The University of Gondar, Queen's University and MasterCard Foundation Scholars Program: A Partnership for Disability-Inclusive Higher Education in Ethiopia*, 12 GATEWAY INT'L COMMUNITY RCH & ENGAGEMENT 1 (2019).

platforms for the disabled to take advantage of the innovative opportunities in cyberspace with fewer restrictions on proprietary laws.⁷¹

D. The Lisbon Systems and Ethiopia's Geographical Indications (GI)

Ethiopia has abundant agricultural and natural resources unique to its land.⁷² *Terroir*, a concept in GI law fundamentally drives the contours of right owners.⁷³ Ethiopian coffee, honey, Teff-Injera, Rose, and Cotton are few of the unique products peculiar to the region and are naturally in abundance.⁷⁴ Ethiopia should take advantage of these rich natural food resources with an effective appellation and legal regime.⁷⁵ Ethiopia could scale up its productive capacity and diversify its revenue intake, while protecting the rights of its people through a combination of indigenous and contemporary laws.⁷⁶

⁷¹ European Commission, *The European Union Joins the Marrakesh Treaty* (October, 1, 2018), <https://ec.europa.eu/digital-single-market/en/news/european-union-joins-marrakesh-treaty>

⁷² See Justin Hughes, *Champagne, Feta, and Bourbon: The Spirited Debate about Geographical Indications*, 58 HASTINGS L. J. 299, 301 (2006); See also Alessandro Stanziani, *Wine Reputation And Quality Controls: The Origin Of The AOCs in 19th Century France*, 18 EUROPEAN J.L. & ECON. 149 (2004).

⁷³ Hughes, *supra* note 72 at 61-62.

⁷⁴ Paul Schemm, *How Ethiopia Got Its Grain Back*, The Washington Post (February 7, 2019), <https://www.washingtonpost.com/world/2019/02/07/how-ethiopia-got-its-grain-back/> (visited April 27, 2020).

⁷⁵ Irene Calboli, *Time to Say Local Cheese and Smile at Geographical Indications of Origin? International Trade and Local Development in the United States*, 53 HOUS. L. REV. 373 (2015); See also RUTH L. Okediji, *Back to Bilateralism? Pendulum Swings in International Intellectual Property Protection*, I. U. OTTAWA L. & TECH. J. 125 (2004); KEITH F. MASKUS, *INTELLECTUAL PROPERTY RIGHTS IN THE GLOBAL ECONOMY* 239 (2016); See also DEV GANGJEE, *RELOCATING THE LAW OF GEOGRAPHICAL INDICATIONS* (2015); See e.g., *RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND GEOGRAPHICAL INDICATION* (DEV S. GANGJEE, ed., 2016); Teshager Dagne, *The Identity of Geographical Indications and their relations to Traditional Knowledge in Intellectual Property Law*, 54 IDEA 255 (2014); Michael Blakeney & Getachew Mengistie, *Geographical Indications in Africa: Opportunities, Experiences and Challenges*, The University of Western Australia Faculty of Law Research Paper (2017), <https://ssrn.com/abstract=3082093> (visited April 27, 2020); Michael Blakeney & Getachew Mengistie, *Geographical Indications in Africa: Opportunities, Experiences and Challenges*, The University of Western Australia Faculty of Law Research Paper (2017), <https://ssrn.com/abstract=3082093> (visited April 27, 2020); Kirti Singh, *Geographical Indication as a Tool for Protection of Traditional Knowledge with Special Reference to Protection of 'Cashmere' in Kashmir*, <http://ssrn.com/abstract=2115257> (visited April 27, 2020).

⁷⁶ See Tekeba Nega & Yeshitela Eshete, *Review of Ethiopia's Global Position in Honey and Other Bee Product Production and Marketing: Analysis of Sectoral Opportunities and Limitations*, 10 BIOMEDICAL J. SCIENTIFIC TECH. RCH. 1-5 (2018), https://www.researchgate.net/publication/331037935_Review_of_Ethiopia's_Global_Position_in_Honey_and_Other_Bee_Products_Production_and_Marketing_Analysis_of_Sectoral_Opportunities_and_Limitations (visited April 27, 2020); See also Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration, October 31, 1958, as revised, July 14, 1967, 923 U.N.T.S. 205 [hereinafter Lisbon Agreement], www.wipo.int/treaties/en/text.jsp?file_id=285856/ (visited April 27, 2020); World Intellectual Prop. Org. [WIPO], Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications and Regulations under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, WIPO Document LI/DC/19 (May 20, 2015), [hereinafter Geneva

Legal scholars have resisted further enhancement of IP regimes on creative and resourceful products.⁷⁷ However, the current socio-economic realities of global productive forces show contrary positions.⁷⁸ The European Union is in the frontline of using GIs to protect its food and non-food products.⁷⁹ Ethiopia already recognizes international Treaty rule in its IP regime.⁸⁰ Therefore, all it requires is a deliberate effort to raise subject matter experts in this field to allay its misgivings or fears about multilateral legal engagements.

3. ROLE OF ETHIOPIAN LAW SCHOOLS

A. Digital Technology and Creative Legal Education

Law schools traditionally teach human legal-issue spotting and analysis as a precursor to effective problem solving and client services.⁸¹ Law schools generally train lawyers to excel in legal writing, doctrines and advocacy skills.⁸² However, technology has changed the human

Act], www.wipo.int/meetings/en/details.jsp?meeting_id=35202 (visited April 27, 2020); *See also* TRIPS Agreement, art. 22. 2 & art. 23.1; Lisbon Agreement, art. 5 (1), Oct. 31, 1958, 923 U.N.T.S. 205 as revised at Stockholm July 1, 1967 and as amended on Sept. 28, 1979 ; *See further* Daniel Gervais, *A Look at the Geneva Act of Lisbon Agreement: A Missed Opportunity?* in GEOGRAPHICAL INDICATIONS AT THE CROSSROADS OF TRADE, DEVELOPMENT, AND CULTURE-FOCUS ON ASIA-PACIFIC 122-144 (IRENE CALBOLI & WEE LOON NG-LOY, EDS., CAMBRIDGE UNIVERSITY PRESS, 2017).

⁷⁷ Irene Calboli, *Time to Say Local Cheese and Smile at Geographical Indications of Origin? International Trade and Local Development in the United States*, 53 HOUS. L. REV. 373 (2015).

⁷⁸ World Intellectual Property Review, *The EU Council To Extend GI Protection*, https://www.worldipreview.com/news/eu-council-to-extend-gi-protection-17796?utm_source=World+IP+Review&utm_campaign=4d3fce0a81-WIPR_Digital_Newsletter_02112018_COPY_01&utm_medium=Email&utm_term=0_d76dcadc01-4d3fce0a81-27534989&fbclid=IwAR3hxx3daotif5ghzhtsq9ekxuqmtckiuju4fukynkxi7i0rb1bz0c_Uuy (April 11, 2019); In most European Union law jurisdiction, GI has become a distinct regime for legal protection.[#] (visited April 27, 2020).

⁷⁹ *Id.*

⁸⁰ *See* Copyright Proclamation (2004), (Ethiopia), § 3 (16).

⁸¹ Sherry Karabin, *Best Schools for Legal Technology*, *Prelaw Magazine* (Fall 2018), <https://mydigitalpublication.com/publication/frame.php?i=531663&p=28&pn=&ver=html5> (visited April 27, 2020); *See also* Tyler Roberts, *How Suffolk Law is Redefining Practice-Ready*, *Prelaw Magazine* (Winter 2018), <https://bluetoad.com/publication/frame.php?i=468824&p=16&pn=&ver=html5> accessed 18 July 2019 (visited April 27, 2020); *See also* Robert Ambrogio, 'Learned Hands' *LawSites* (31 July 2019), <https://www.lawsitesblog.com/2019/07/pew-grant-will-take-learned-hands-project-from-prototype-to-production-to-help-id-consumers-legal-issues.html> (explaining how Pew Grants and the Legal Innovation and Technology Lab of Suffolk University Law School collaborate to actualize prototype software and programs into real-life legal aid for lawyers and consumers. Actualizing the use of AI to assist lawyers and client analyze legal issues) (visited April 27, 2020); *See* Samuel Samiai Andrews, *Developing Intellectual Property Curriculum In African Law Schools To Protect Its Creative Industries: Case Study On Afrollywood*, WTO-WIPO Publication Research and Colloquium Papers Series, 2019 (forthcoming, 2021) (the author earlier made similar arguments on this theme in this paper).

⁸² Mark Fenwick, et al, *Legal Education in the Blockchain Revolution*, 20 VAND. J EN.T & TECH L 351(2017).

angle of legal analysis and issues spotting.⁸³ With artificial intelligence, wrap agreements, machine reading and smart-contracts, software-programs are gradually replacing humans in testing the integrity of legal analysis.⁸⁴ Therefore, law students and existing legal practitioners need to comprehend the workings of the digital ecosystem.

The legal outcomes of the application of technological measures on transactional experience of parties will become relevant to creative rights.⁸⁵ For example, calculating performers' rights, royalties, and locating performers in digital platforms goes beyond the abilities of members of a copyright management organization to monitor rights users and performance patterns.⁸⁶

Generally, law school curriculums emphasize legal procedure and doctrine of precedence, which iteratively rely on traditional law teaching pedagogy.⁸⁷ However, technology has disrupted downstream end-usage of legal services.⁸⁸ The rapid evolution of legal services beyond the pace of theories and doctrinal formulations demands a rethink of methods of training an African IP lawyer.⁸⁹ Therefore, law schools should equip digital era African lawyers with 'out-of-the-box' thinking to measure with the disruptiveness of technology.⁹⁰

A conscious program to connect research, technology, and development (RT&D) institutional hubs with African law schools' IP curriculums along with experiential and real-life training, would prepare future and present lawyers for modern legal challenges in contemporary

⁸³ Roberts, *supra* note 81.

⁸⁴ *Id.*

⁸⁵ Fenwick, *supra* note 82.

⁸⁶ Karyn A Temple, *Next Steps in the Music Modernization Act*' Library of Congress Blog (19 July 2019), <https://blogs.loc.gov/copyright/2019/07/next-steps-in-the-music-modernization-act/> (visited April 27, 2020); See also Nate Rau, *Battle for Music Licensing Oversight Centers on Unclaimed Royalties*, USA Today (May 13, 2019), <https://eu.tennessean.com/story/money/2019/05/13/music-licensing-unclaimed-royalties-oversight-mlc/1128801001/> (visited April 27, 2020).

⁸⁷ Richard J Wilson, *Training for Justice: The Global Reach of Clinical Legal Education*, 22 PENN ST INTL L. REV. 421 (2002).

⁸⁸ Ana Rutschman, *Weapons of Mass Construction: The Role of Intellectual Property in Nigeria's Film and Music Industries*, 29 EMORY INT'L L. REV. 673 (2014).

⁸⁹ Peggy Maisel, *Expanding and Sustaining Clinical Legal Education in Developing Countries: What We Learn from South Africa*, 30 FORDHAM INTL L. J. 374 (2014).

⁹⁰ *Id.*

creative industries.⁹¹ Early exposure for law students and qualified lawyers to practical and hands-on experience in transactional IP practice could start with setting up compulsory clinical IP programs in African law schools.

Another method would be to encourage law students to focus on technology as it relates to legal service outcomes. Intensifying the placement of African law students to intern or extern in law firms and legal departments of corporations with active IP practice reduces abstracts associated with doctrinaires.⁹² Contemporary investors look out for value differentiators like the security or multiplier benefits of their tangible and intangible proprietary rights.⁹³ Therefore, African IP subject matter experts would add value in conceptualizing new digital copyright and IP laws to create necessary investor friendly regimes within their local area of legal practice. The Ethiopian law schools could creatively develop curriculum that intersects between law, analytics, and financial technology.

B. Ethiopian IP Teachers and Practical Developments

Achieving an effective and efficient outcome in IP legal education in the digital era would require more than aspirational and philosophical themes.⁹⁴ IP teachers' pedagogical approach of the pre-digital era, of mostly tutorials and doctrinaire disconnects with the rapidly evolving creative economy⁹⁵ Therefore, Ethiopian IP teachers would need a growth mind-set in instructional and teaching themes.⁹⁶ Law school IP instructors in Ethiopia should adapt their teaching to evolving economic production themes. African law schools should prioritize the training of lawyers as investment-support professionals to guide investors in making decisions

⁹¹ *Id.*

⁹² Peter Wilson, *Capturing Value: IP as a Driver for Investment, Novagraaf: Insight* (April 30, 2018), <https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.novagraaf.com%2fen%2finsights%2fcapturing-value-ip-driver-investment&c=E,1,ipTQuVS4ETK9wYpCp3GfrMuGnElA6z4uKbo8u1M2CDOSkMF1fsdgWciGR2x1FnDadUQ49wTcrAeixGFykRBeBsD9H9BSkWW1oIZSLJfMF619b3AafNDkw.,&typo=1> (visited April 27, 2020).

⁹³ Andrew Summer, *Foreign Direct Investment in Developing Countries: Have We Reached a Policy "Tipping Point"?* 29 *THIRD WORLD Q* 239 (2008); See also Anup Tikku, *Indian Inflow: The Interplay of Foreign Investment and Intellectual Property*, 19 *THIRD WORLD QUARTERLY* 87 (1998).

⁹⁴ Maisel, *supra* note 89.

⁹⁵ CAROL S DWECK, *MINDSET: THE NEW PSYCHOLOGY OF SUCCESS 1* (RANDOM HOUSE, NEW YORK, 2016).

⁹⁶ *Id.*

about investing in the creative industries from an IP perspective.⁹⁷ IP curriculum in Ethiopian law schools should de-emphasize the focus on litigation and lawsuits as remedies for transactional IP disputes.⁹⁸

African financial institutions rarely and sparsely recognize IP rights as tangible valuable assets for credit valuation and project financing.⁹⁹ Ethiopia IP faculties in collaboration with other professionals like statisticians and computer scientists should create awareness on the tangibility of IP values with targeted interrelated subjects. Ethiopian creators should focus on creating new and beneficial works, while obtaining relevant legal advice at the outset from skilled lawyers with relevant IP-based knowledge.¹⁰⁰ Emerging Ethiopian creators lack the financial means to pursue lawsuits. Creators should therefore focus on creating new and beneficial works, while obtaining relevant legal advice at the outset of their creative processes from skilled lawyers with relevant IP-based knowledge.¹⁰¹ With a less litigious space, creators would harness the IP system for their private economic growth and users of innovations would access works of creativity, legally and unencumbered.¹⁰²

C. Examples of Ethiopian Universities

Ethiopian law schools have an important role to play in the renaissance in technological and creativity growth.¹⁰³ Few Universities have existing specialized technological centers, which a conscious synergy with the law schools would produce a protected and confidence-building

⁹⁷ Charles R M Dlamini, *The Law Teacher, The Law Student and Legal Education in South Africa*, 109 S. AFRICAN L. J. 595 (1992).

⁹⁸ David McQuoid-Mason, *Access to Justice and the Role of Law Schools in Developing Countries: The South African Experience*, (2019) Social Science Research Network, <https://ssrn.com/abstract=270592> (visited April 27, 2020).

⁹⁹ Bamaturaki Musinguzi, *Challenges of Funding Creative Industries in Africa*, *East African* (December 6, 2010), <http://www.theeastafrican.co.ke/magazine/434746-1064350-v2iekh/index.html>. (visited April 27, 2020).

¹⁰⁰ Dlamini, *supra* note 97; McQuoid-Mason, *supra* note 98.

¹⁰¹ African Politics and Policy, *Cultural and Creative Industries in Africa*, 2 AFR. POLITICS AND POLY (2016), <https://www.cultureinexternalrelations.eu/cier-data/uploads/2016/08/Report21.pdf> (visited April 27, 2020). ; *See also* Musinguzi, *supra* note 99.

¹⁰² Bolanle Austen-Peters, *How Art Can be a Force for Development in Africa*, *Aljazeera* (September 26, 2017), <https://www.aljazeera.com/indepth/opinion/art-force-development-africa-170926083535422.html> (visited April 27, 2020).

¹⁰³ *Id.*

phenomenon in national policies.¹⁰⁴ More Ethiopian law schools should adopt the model of Bahir Dar and Addis Ababa Universities (discussed below) but with a robust interface with the IP law faculties.

(1) Entrepreneurship Development and Incubation Centre (EDIC) (Ethiopia)

The School of Law of Bahir Dar University in Ethiopia in collaboration with Israel Technology Transfer Group and Shenkar University has a robust experiential learning syllabus.¹⁰⁵ The Free Legal Aid Service Clinic of Bahir Dar University law school and EDIC could be another avenue of experiential learning where law students have hands-on training.¹⁰⁶ Bahir Dar University recognizes the significance of the intersection of law school curriculum with technology and innovation institutions. However, this paper could not ascertain the depth of the instructional and experiential program of the law faculty in exposing its IP law students to contemporary digital IP jurisprudence. Information this research gathered from Bahir Dar University's website, and interviews with few IP students and law faculty members of Bahir Dar University, did not indicate a deliberate interface between the curriculum and practical IP training of students.¹⁰⁷

(2) Addis Ababa University, Addis Ababa Institute of Technology (AAiT) and the Office of Research and Technology Transfer

The AAiT has a laudable objective of collaborating with Addis Ababa University faculties to commercialize and humanize technologies.¹⁰⁸ However, the need to interface technology transfer and entrepreneurial programs with IP faculty and curriculum should be its focal objective, if

¹⁰⁴ *Id.*

¹⁰⁵ Bahir Dar University Entrepreneurship Development and Incubation Center, <http://bdu.edu.et/edic/> (visited April 27, 2020).

¹⁰⁶ *Id.*

¹⁰⁷ Andrews, WTO-WIPO IP Research paper, *supra* note 76 (Transcript accessed through the author of this article); Addis Ababa Institute of Technology, <http://www.aait.edu.et/research-and-technology-transfer-rtt-director> (visited April 27, 2020).

¹⁰⁸ Charles Satumba, *Zimbabwe Embarks on a Programme to Set Up Innovation Hubs at its Universities*, (2019) 9 ARIPO Magazine 8-10 (2019), <https://www.aripo.org/wp-content/uploads/2019/05/ARIPO-Magazine-Vol.-9-No.-1.pdf?sfns=mo> (describing the Zimbabwean government policy initiative to make the National University of Science and Technology, Midlands State University, University of Zimbabwe, Harare Institute of Technology, Zimbabwe Defense University, and the Chinhoyi University of Technology as Innovation hubs) (visited April 27, 2020).

innovation from RT&D would achieve tangible economic efficiency. AAiT currently does not have an active collaborative teaching and learning interface with Addis Ababa University Law School's IP program.¹⁰⁹ Therefore, achieving the objectives of an effective technology transfer philosophy may remain aspirational because the legal regime to protect proprietary rights of transferred or created technology remains unexplored.

4. FORWARD OUTLOOK AND RECOMMENDATION

This paper recommends the robust teaching of traditional and digital IP subjects in a mild and non-technical format in Ethiopian tertiary institutions. Ethiopia should commence active steps to engage the creative community locally and international and enter existing IP Treaties. Ethiopia should launch a national orientation inclusive of all stakeholders to set an effective policy for innovation and commercial investment. Ethiopia should update existing IP regimes to recognize current productive economic realities. The use of local languages and special purpose vehicles (SPV) should form part of the strategic initiatives to impel public engagements in investment development. The University of Washington (UW), Seattle, in the USA has a template in entrepreneurial inventiveness and law school partnership that may be worth examining for African law schools.¹¹⁰ *CoMotion*, a corporation and a separate legal entity distinct from the University but established by the UW collaborates robustly with the University of Washington School of law in advising innovators on IP rights, protecting IP rights and licensing the rights.¹¹¹ Innovators and creators should be guided from ideas formation stages to the point where it becomes tangible creation that may impact society socially and economically.¹¹²

CONCLUSION

International Treaty engagement is not a new terrain for Ethiopia. In the human right subject, Ethiopia has recognized and implemented most laws. Therefore, the experience and templates adopted in these areas should guide its execution of international socio-economic jurisprudence.

¹⁰⁹ Transcript of Data and Survey accessible through author of this article.

¹¹⁰ *CoMotion*, <https://comotion.uw.edu/> (visited April 27, 2020).

¹¹¹ *Id.*

¹¹² *Id.*

The Marrakesh Treaty may serve as a starting point.¹¹³ The AfCFTA ongoing phases of agreement is a grand opportunity for Ethiopia to engage its regional partners for effective leverage of its IP rights especially in trade and investment aspects of innovation. Ethiopian law schools have a unique opportunity to allay the fears or mitigate the lethargic sentiments towards international commercial treaty regimes with a deliberate training of subject matter experts who would advise policy makers and the public.

¹¹³ On March 13, 2020, Ethiopia ratified Marrakesh Treaty with Proclamation To Ratify The Marrakesh Treaty To Facilitate Access To Published Works For Persons Who Are Blind, Virtually Impaired And Print Disabled, Proclamation No. 1181/2020 pursuant to Treaty Provisions of the Federal Democratic Republic of Ethiopia Constitution. However, Ethiopia should legislate clearly how the Treaty would be organized and implemented within its ecosystem.