

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

Samuel Samiai Andrews*

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

* SJD, LL.M, LL.B (Hons), BL, LL.M, Professor of Intellectual Property Law and USA Ambassador's Distinguished Scholar, Ethiopia at the University of Gondar, School of Law, Ethiopia. He is also an Adjunct Professor of Cyber Criminology, Criminology and Legal Environment of Business at Albany State University, Albany, Georgia. USA.

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> (Apr. 23, 2020).

⁴ *Id.*

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

⁶ Antoinette Ladarola, *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> (Apr. 26, 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> (Apr. 25, 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> (Apr. 28, 2020); Richard L. Dixon, *The Challenge and Complexities of Nation-State Sovereignty in the Era of 21st Century Internationalism*, <http://ssrn.com/abstract=1886727> (Apr. 25, 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>) (Apr. 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> (Apr. 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>(Apr. 28, 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> (Apr. 25, 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 (Apr. 24, 2020).

¹⁴ Sbacchi, *supra* note 1.

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

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

¹⁹ James Forsyth, "Brexit is A Fight for the Very Sovereignty of Our Nation" THE SPECTATOR (Dec. 15, 2018), <https://www.spectator.co.uk/2018/12/brexit-is-a-fight-for-the-very-sovereignty-of-our-nation/> (Apr. 27, 2020) ; Ralph C. Bryant, *Brexit: Make Hard Choices but Don't Confuse Sovereignty with Autonomy*, Brookings (Dec. 21, 2018), <https://www.brookings.edu/blog/up-front/2018/12/21/brexit-make-hard-choices-but-dont-confuse-sovereignty-with-autonomy/> (Apr. 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 (Apr. 24, 2020).

²¹ Yinka Awosanya, *Ethiopia is Welcoming Foreign Investors to Its Budding Internet Startup Space*, TECHPOINT (Jul. 9, 2019), <https://techpoint.africa/2019/07/09/ethiopia-want-foreign-investors-for-its-budding-startup-space/> (Apr. 27, 2020); Mahlet Fasil, *News: Alibaba Group to Help Ethiopia set up first eWTP Hub, The Second in Africa*, ADDIS STANDARD (Nov. 25, 2019), <https://addisstandard.com/news-alibaba-group-to-help-ethiopia-set-up-first-ewtp-hub-the-second-in-africa/> (Apr. 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> (Apr. 24, 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 (Jan. 8, 2020), <https://www.brookings.edu/multi-chapter-report/foresight-africa-top-priorities-for-the-continent-in-2020/> (Apr. 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/> (Apr. 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 (Nov. 25, 2019), <https://borkena.com/2019/11/25/ethiopia-alibaba-group-sign-agreement-to-launch-ewtp/> (Apr. 26, 2020); Mahlet Fasil, *News: Alibaba Group to Help Ethiopia set up first eWTP Hub, The Second in Africa*, ADDIS STANDARD (Nov. 25, 2019), <https://addisstandard.com/news-alibaba-group-to-help-ethiopia-set-up-first-ewtp-hubthe-second-in-africa/> (Apr. 25, 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> (Apr. 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 (Apr. 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> (Apr. 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. (Apr. 23, 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> (Apr. 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> (Apr. 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 (Apr. 27, 2020).

⁶⁹ Ingrid Lewis, *Education for Disabled People in Ethiopia and Rwanda*, <https://unesdoc.unesco.org/ark:/48223/pf0000186564> (Apr. 26, 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/> (Apr. 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> (Apr. 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> (Apr. 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> (Apr. 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_Analysisof_Sectoral_Opportunities_and_Limitations (Apr. 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/ (Apr. 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 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

Act], www.wipo.int/meetings/en/details.jsp?meeting_id=35202 (Apr. 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*, (Apr. 27, 2020), 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=Iwar3hxx3daotif5ghztsq9ekxuqmtckiuju4fukynkxi7i0rb1bz0c_Uuy (April 11, 2019); In most European Union law jurisdiction, GI has become a distinct regime for legal protection. # .

⁷⁹ *Id.*

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

⁸¹ Sherry Karabin, *Best Schools for Legal Technology*, *Prelaw Magazine* (Fall 2018), (Apr. 27, 2020), <https://mydigitalpublication.com/publication/frame.php?i=531663&p=28&pn=&ver=html5>; *See also* Tyler Roberts, *How Suffolk Law is Redefining Practice-Ready*, *Prelaw Magazine* (Winter 2018), (Apr. 27, 2020), <https://bluetoad.com/publication/frame.php?i=468824&p=16&pn=&ver=html5> accessed 18 July 2019; *See also* Robert Ambrogi, 'Learned Hands' *LawSites* (Jul. 31, 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> April 27, 2020 (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).

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

⁸³ Roberts, *supra* note 81.

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 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.

⁸⁴ *Id.*

⁸⁵ Fenwick, *supra* note 82.

⁸⁶ Karyn A Temple, *Next Steps in the Music Modernization Act*' *Library of Congress Blog* (19 Jul. 2019), <https://blogs.loc.gov/copyright/2019/07/next-steps-in-the-music-modernization-act/> (Apr. 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/> (Apr. 29, 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.*

⁹¹ *Id.*

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 about investing in the creative industries from an IP perspective.⁹⁷ IP curriculum in Ethiopian

⁹² Peter Wilson, *Capturing Value: IP as a Driver for Investment*, *Novagraaf: Insight* (Apr; 30, 2018), <https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.novagraaf.com%2fen%2finsights%2fcapturing-value-ip-driver-investment&c=E,1,ipTQuVS4ETK9wYpCp3GfrMuGnEIA6z4uKbo8u1M2CDOSkMF1fsdgWciGR2x1FnDadUQ49wTcrAeixGFykrBeBsD9H9BSkWW1oIZSLJfMF619b3AafNDkw,,&typo=1> (Apr. 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.*

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

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 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.

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> (Apr. 27, 2020).

⁹⁹ Bamuturaki Musinguzi, *Challenges of Funding Creative Industries in Africa*, *East African* (December 6, 2010), <http://www.theeastafrican.co.ke/magazine/434746-1064350-v2iekh/index.html>. (Apr. 26, 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> (Apr. 27, 2020). ; *See also* Musinguzi, *supra* note 99.

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

¹⁰³ *Id.*

¹⁰⁴ *Id.*

(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 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

¹⁰⁵ Bahir Dar University Entrepreneurship Development and Incubation Center, <http://bdu.edu.et/edic/> (Apr. 28, 2020).

¹⁰⁶ *Id.*

¹⁰⁷ Addis Ababa Institute of Technology, (Apr. 27, 2020), <http://www.aait.edu.et/research-and-technology-transfer-rtt-director>.

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) (Apr. 28, 2020).

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

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. The Marrakesh Treaty may serve as a starting point.¹¹³ The AfCFTA ongoing phases of

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

¹¹¹ *Id.*

¹¹² *Id.*

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.

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.

LEGISLATION INDEX

Lists of Proclamations enacted from November 2017 - December 2019 (Hidar 2009 to Tahsas 2011 E.C) as available at the Ethiopian House of Peoples' Representatives website.

Compiled by: **Abera Abebe Zegeye***

Ser. No.	Year and No.	Proclamation No.	Title or Content
1	24 th year No.2	Proclamation No. 1054/2017	The Air Service Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Czech Republic Ratification Proclamation.
2	24 th year No.3	Proclamation No.1055/2017	Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Republic of Djibouti on Passenger Road Transport Service Ratification Proclamation.
3	24 th year No.4	Proclamation No. 1056/2017	Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Republic of Zambia on Economic, Scientific and Technical Cooperation ratification Proclamation.
4	24 th year No.5	Proclamation No.1052/2017	Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Republic of Sudan for the Development, Operation and Management of Standard Gauge Railway Network Ratification Proclamation.
5	24 th year No.7	Proclamation No.1057/2017	Bilateral Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of Republic of Kenya on joint border controls, procedures, facilities and management at Moyale Border Post Ratification Proclamation.
6	24 th year No.14	Proclamation No. 1053/2017	The Air Service Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Czech Republic Ratification Proclamation.

* LL.B, LL.M, Lecturer of Law, School of Law, University of Gondar. He can be reached at: abera.abe123@gmail.com.

7	24 th year No.15	Proclamation 1058/2017	No.	General Cooperation Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Bolivarian Republic of Venezuela Ratification Proclamation.
8	24 th year No.10	Proclamation No.1060/2017		General Cooperation Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Republic of Cote D'Ivoire Ratification Proclamation.
9	24 th year No.8	Proclamation 1061/2017	No.	Multilateral Agreement for the Establishment of an International Think Tank for Landlocked Developing countries Proclamation.
10	24 th year No.6	Proclamation No.1062/2017		General/Technical Co-operation Agreement between the Federal Democratic Republic of Ethiopia and the Argentine Republic Ratification Proclamation.
11	24 th year No.16	Proclamation 1063/2017	No.	Maritime Labour by the International Labour Convention Ratification Proclamation.
12	24 th year No.12	Proclamation NO.1064/2017		Federal Civil Servants Proclamation.
13	24 th year No.21	Proclamation 1065/2018	No.	Forest Development, Conservation and Utilization Proclamation
14	24 th year No.18	Proclamation No.1066/2017		International Development Association Additional Financing Agreement for Financing the Enhancing Shared Prosperity through Equitable Services Program Ratification Proclamation
15	24 th year No.23	Proclamation No.1067/2018		Ethiopian Red Cross Society Re-establishment Charter Proclamation.
16	24 th year No.29	Proclamation 1068/2017	No.	Plant Breeder's Right Proclamation.
17	24 th Year No.20	Proclamation 1068/2017	No.	French Development Agency Credit Facility Agreement for Financing the Relocation and Modernization of the Addis Ababa Abattoris Enterprise Project Ratification Proclamation
18	24 th year No.26	Proclamation No.1070/2018		Revised Family Code (Amendment) Proclamation.
19	24 th year No.24	Proclamation No.1071/2018		Federal Justice and Legal Research and Training Institute Establishment Proclamation.
20	24 th year No.25	Proclamation No.1072/2018		Electronic Signature Proclamation.

21	24 th year No.39	Proclamation No.1073/2018	Raw Hides and Skins Marketing (amendment) Proclamation.
22	24 th year No.27	Proclamation No.1074/2018	Driver's Qualification Certification License Proclamation.
23	24 th year No.40	Proclamation No.1075/2018	Industrial Chemical registration and administration proclamation.
24	24 th year No.28	Proclamation No. 1076/2018	Public Private Partnership Proclamation.
25	24 th year No.	Proclamation No.1077/2018	African Development Fund Agreement for financing Addis Ababa Electric Power Transmission and Distribution System Rehabilitation and Upgrading Project Ratification Proclamation.
26	24 th year No.38	Proclamation No.1078/2018	2010 Fiscal Year Supplementary Budget Proclamation.
27	24 th year No.32	Proclamation No. 1079/2018	Ethiopian Geospatial Information Agency Re-Establish the Proclamation.
28	24 th year No.30	Proclamation No.1080/2018	French Development Agency Credit Facility Agreement for financing the Addis Ababa City Administration Solid Waste Management Program Koshe –Reppie Dumpsite Final Project Ratification Proclamation.
29	24 th year No.31	Proclamation No.1081/2018	International Development Association Loan Agreement for financing Live-Stock and Fisheries Sector Development Project Ratification Proclamation
30	24 th year No.33	Proclamation No.1082/2018	Proclamation to Ratify The Protocol to the African Charter On Human and Peoples Rights on The Rights of Women in Africa.
31	24 th year No.36	Proclamation No.1083/2018	Constitution and Constitutional order Defence from Threat State of Emergency Proclamation No.2/2018 Approval Proclamation.
32	24 th year No.41	Proclamation No.1084/2018	Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia (Amendment) Proclamation.
33	24 th year No.45	Proclamation No. 1086/2018	International Development Association Financing Agreement for financing the Ethiopia Electrification Program Ratification Proclamation.
34	24 th year No.47	Proclamation No.1087/2018	International Development Association Financing Agreement for financing Urban Institutional and Infrastructure Development

			Program Proclamation	Ratification
35	25 th year No.19	Proclamation No.1100 /2019	Defense Forces Proclamation	
36	26 th year No.6	Proclamation 1163/2019	Insurance Business Proclamation	(Amendment)
37	25 th year No.81	Proclamation 1157/2019	Value Added Tax Proclamation	(amendment)
38	26 th year No.7	Proclamation 1164/2019	Microfinance Business Proclamation	(Amendment)
39	25 th year No.90	Proclamation No.1161/2019	Expropriation of Land holdings for Public Purposes, Payments of Compensation and Resettlement of Displaced People Proclamation	
40	25 th year No.29	Proclamation No. 1101 /2019	Administrative Boundary and Identity Issues Commission Establishment Proclamation	
41	25 th year No.27	Proclamation No.1102 /2018	Reconciliation Commission Establishment Proclamation	
42	24 th year No.58	Proclamation No.1090/2018	Hazardous Waste Management and Disposal Control Proclamation	
43	25 th year No.88	Proclamation No 1159 /2019	Banking (Amendment) Proclamation	
44	25 th year No.7	Proclamation No.1098/2018	International Development Association for Financing Competitiveness and Job Creation Project Ratification Proclamation	
45	24 th year No.50	Proclamation No. 1092/2018	The Agreement on the Employment of Domestic Workers between the Government of the Federal Democratic Republic of Ethiopia and the Government of the Kingdom of Saudi Arabia Ratification Proclamation	
46	25 th year No.23	Proclamation No.1104/2019	Bilateral Air Service Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the French Republic Ratification Proclamation	
47	25 th Year No.25	Proclamation No.1103/2019	The Air Service Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Israel Ratification Proclamation	
48	25 th year No.24	Proclamation No.1108 /2019	Cooperation Agreement between the Government of the Federal Democratic Republic Rwanda in the field of Communication, Information and Media Ratification Proclamation.	
49	25 th year No.32	Proclamation	International Development Association	

		No.1099/2019		Financing Agreement for Financing Development Policy Proclamation
50	26 th year No.18	Proclamation No. 1166/2019	No.	Export-Import Bank of Korea Loan Agreement for financing Southern Extension of the National Electricity Grid Power Transmission Project Ratification Proclamation
51	25 th year No.30	Proclamation No.1111/2019		International Development Association Loan Agreement for Financing Economic Opportunities Program Ratification Proclamation
52	25 th year No.8	Proclamation No.1097/2018		Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation
53	24 th year No.35	Proclamation No.2/2018		State of Emergency Proclamation Issued to Defend the Constitution and Constitutional Order From Threat Council of Ministers Proclamation
54	26 th year No.12	Proclamation No. 1175/2019	No.	Agreement between the Governments of the Federal Democratic Republic of Ethiopia and the Republic of Djibouti on the Transit of Natural Gas Pipeline Ratification Proclamation
55	25 th year No.38	Proclamation No. 1110/2019	No.	Refugees Proclamation
56	26 th year No.101	Proclamation No. 1173/2019	No	The Ethiopian News Service Re-establishment (Amendment) Proclamation

SCHOOL OF LAW
UNIVERSITY OF GONDAR

BRIEF PROFILE

Year of Establishment: 2005

Teaching Programs

LL.B (Regular and Extension)

LL.M in Human Rights (Regular and Extension)

LL.M in Environmental and Water Laws (Extension)

Dean of the School

Abebe Assefa Alemu (LL.B, LL.M)

Head of the Department

Alemayehu Yismaw Demamu (LL.B, LL.M)

Legal Aid Center Director

Demoz Kassie Mekonen (LL.B, LL.M, Dir.)

Belete Adane (LL.B, LL.M, Vice Dir.)

Post-Graduate and Distance and Continuing Education Coordinator

Yohannes Yitayih Tilahun (LL.B, LL.M)

Research and Publication Coordinator

Wondimnew Kassa Mersha (LL.B, M.A, LL.M)

Editor-in-Chief of the *International Journal of Ethiopian Legal Studies*

Solomon Tekle Abegaz (LL.B, LL.M, LL.D)

Community Service Coordinator

Teferra Eshetu (LL.B, LL.M, LL.D Candidate)

Exam Center Coordinator

Brook Kebede (LL.B, LL.M, M.A)

UIL Knowledge and Technology Transfer Coordinator

Gashaw Sisay Zenebe (LL.B, LL.M)

Education Quality Assurance Coordinator

Andualem Eshetu Lema (LL.B, M.A, LL.M)