

A CRITICAL ANALYSIS OF THE PROTECTION OF INDUSTRIAL DESIGN UNDER RWANDAN INTELLECTUAL PROPERTY LAW

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Abstract

Industrial design as one form of intellectual property refers to aesthetic ornamental and plays an important role in trading of consumer goods products through registration. However, the level of industrial and handicraft products protection in Rwandan law is quite low in comparison to other industrial property such as patents and trademarks. The objective of this research paper is to highlight major problems connected to the protection of industrial and handicraft products under Rwandan intellectual property law of 26th October 2009 and to propose effective mechanisms to be adopted for a better improvement in their protection.

The main challenges in protecting industrial design under Rwandan law are related to the substantive examination, the lack of sufficient infrastructures and strong enforcement mechanisms. However, as industrial designs play an important role among competitors as well as it protects the aesthetic and visual form of a product; it also constitutes a great asset to a company and serves as a means of attracting consumers by influencing their decision to prefer one product over another. Besides, industrial design supports the importance of trademarks in helping companies or individuals to differentiate their products from those of competitors and enhance the brand image of their products. The reason why there is a need to provide effective protective mechanisms to assure designers of industrial and handicraft products to enjoy exclusive rights over their creativity during the period provided by the law.

Key words: Intellectual property, Industrial property, Industrial designs, Handicrafts product.