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Intellectual Property Legal Update

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Some Thoughts on Key Implications of Ethiopia's Policy Shift on International Intellectual Property Treaties

Ethiopia has traditionally exercised caution in undertaking commitments in the field of economic law, maintaining largely protectionist policies aimed at safeguarding vulnerable economic actors. As part of this approach, the country refrained from joining numerous multilateral and regional treaties that establish norms in intellectual property. Although the overall benefits and costs of this protectionist stance have not been empirically assessed, a shift in government in 2018 marked a turning point. The new administration initiated wide-ranging economic reforms centered on market liberalization, with accession to key economic treaties becoming a central component of its policy agenda.

The negotiation process for accession to the World Trade Organization (WTO) has since been revived, and there is growing expectation that the Working Party will soon finalize its draft report. Once negotiations conclude, WTO membership is expected to significantly influence Ethiopia's domestic intellectual property regime, particularly across the seven subject areas covered by the TRIPS Agreement.

Assessing the likely impact of WTO accession in advance remains challenging. This is largely because accession terms are determined through negotiation and may exceed the minimum standards set out under Article 1 of the TRIPS Agreement. While acceding countries are expected to comply with these baseline standards, Working Parties often require "TRIPS-plus" commitments. This reflects the fact that Article 1 applies to existing members, whereas acceding countries negotiate their obligations under Article XII(1) of the WTO Agreement. It will therefore be important to observe the extent to which Ethiopia can secure favorable terms, particularly in areas where current TRIPS flexibilities and transition periods apply.

In the areas of patent and trademark protection, fundamental reforms may not be necessary, as existing domestic laws largely align with TRIPS standards. Notably, Ethiopian law permits foreign nationals to seek protection on the basis of reciprocity, and there are no recorded instances in which protection has been denied to foreigners due to lack of reciprocity with their home states.

In contrast, the field of copyright is likely to undergo more significant change. Many works that are currently ineligible for protection under Ethiopian law may become protectable, with substantial implications for consumers—especially in relation to foreign software, translated books, and audiovisual content. This underscores the importance of carefully designing limitations and exceptions, as well as compulsory licensing mechanisms, to mitigate potential market disruptions.

TRIPS membership may also necessitate reforms in areas such as trade secrets and the protection of integrated circuit designs. In addition, enforcement mechanisms will need to be strengthened to address challenges related to copyright piracy and trademark counterfeiting.

Beyond TRIPS, Ethiopia has already acceded to the Paris Convention for the Protection of Industrial Property. Since the substantive provisions of this convention are incorporated into the TRIPS framework, its independent impact may be limited.
Similarly, the Ethiopian Parliament has ratified the Madrid Protocol, which will enter into force upon deposit of the instrument of accession. This system allows applicants to file trademark applications through the International Bureau of the World Intellectual Property Organization (WIPO), without the need to apply directly to the Ethiopian Intellectual Property Authority. As a result, the number of foreign trademark registrations in Ethiopia is expected to increase significantly. However, this raises concerns regarding the Authority's capacity to examine applications in accordance with domestic substantive standards and to notify decisions within the required 12-month period. Failure to meet this deadline could result in automatic registrations, potentially leading to an increase in invalidation proceedings domestically. Addressing these challenges will require procedural reforms in trademark examination and improvements in technological infrastructure.

Ethiopia has also ratified the Marrakesh Treaty. Implementation of this treaty will require revisiting the current framework for copyright limitations and exceptions, particularly to enable the conversion of works into accessible formats and facilitate cross-border exchange among authorized entities.

Most significantly, Ethiopia has adopted the African Continental Free Trade Area Agreement (AfCFTA). A Protocol on Intellectual Property has been developed under this agreement, and in February 2026, Heads of State and Government adopted eight annexes covering areas such as copyright and related rights, trademarks, patents, utility models, industrial designs, geographical indications, plant varieties, and the protection of traditional knowledge, cultural expressions, and genetic resources. This development will require Ethiopia to establish new legal frameworks, particularly in the areas of traditional knowledge and cultural expressions. It represents an important shift toward an Afro-centric conception of intellectual property, while also creating new market opportunities for African cultural and knowledge-based assets.

There are ongoing efforts to accede to the Berne Convention for the Protection of Literary and Artistic Works, although its independent impact is expected to be limited, given that its substantive provisions are already incorporated into the TRIPS Agreement. Further accession efforts include the Patent Cooperation Treaty (PCT), which is likely to increase the currently low number of patent filings in Ethiopia.

Finally, one of the most anticipated areas of reform is the protection of geographical indications. Draft legislation is currently under preparation, and once enacted, it is expected to formalize markets for Ethiopia's diverse agricultural products. These efforts may be complemented by accession to the Lisbon Agreement, which would further support access to international markets.

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Founded by Mehrteab Leul Kokeb,
Mehrteab and Getu Advocates LLP ("MLA") is a leading full-service law office in Ethiopia, and has over 20 years experience advising and representing clients on wide range of legal issues concerning business and investment in the country.

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