Catalysing AI's Potential in Africa through Intellectual Property Innovation

Launch of the "Catalyzing AI's Potential in Africa through IP Innovation" Project
Date: 25th February 2026
Time: 08:30 SAST
Venue: SRC Chambers, Conference Centre, University of Pretoria [and online]

Event Report

PRETORIA – What does it mean for Africa to build artificial intelligence systems that reflect its own realities rather than importing them? Who owns, controls and benefits from the data, models and creative outputs that power those systems?

These were some of the questions explored at the recent launch of the project: "Catalyzing AI's Potential in Africa through Intellectual Property Innovation", hosted by the University of Pretoria's Data Science Law Lab in the Faculty of Law. The project is carried out with financial support from UK International Development and the International Development Research Centre, Ottawa, Canada as part of the AI for Development: Responsible AI, Empowering People Program (AI4D).

The gathering brought together regulators, researchers, industry leaders and international partners to interrogate the role of intellectual property in relation to inclusive and responsible artificial intelligence (AI) governance on the continent.

During his welcome address, Acting Dean of UP's Faculty of Law, Professor Steve Cornelius, reflected on the urgency of engaging new technologies through legal scholarship. He centred the project launch within the University's inter-disciplinary ambitions under its new Thrive UP 2038 strategy, emphasising the need for lawyers, engineers and technologists to work together to steer technological development.

Formally launching the project, UP's Vice-Principal and Deputy Vice-Chancellor for Research, Innovation and Postgraduate Education, Prof Sunil Maharaj, described the initiative as both timely and vital. "Artificial intelligence is rapidly reshaping how societies learn, work, govern, innovate and move forward," he said, cautioning that, "the benefits of AI will not automatically be distributed fairly, nor will innovation automatically be inclusive."

"That is why a project that intentionally brings together AI, intellectual property governance, innovation ecosystems and development outcomes is very significant going forward."

Prof Maharaj highlighted the strategic importance of intellectual property as a governance tool, noting that IP frameworks can create incentives for innovation while also promoting access, fairness and protection of communities whose data and cultural resources are used in AI systems.

State of intellectual property governance and AI in Africa

Project Leader and Principal Investigator of the Data Science Law Lab at UP, Prof

Chijioke Okorie, set out the foundation of the initiative and explained why it's important to place intellectual property at the centre of inclusive and responsible AI governance in Africa.

"The key question that we want to respond to with this project is: how can IP laws, policies and practices be designed to support open, collaborative and development-driven AI innovation? So rather than treating IP as just a technical legal issue, we're treating IP as a strategic tool that can enable innovation, protect communities and strengthen African participation in global AI governance," she said.

Prof Okorie identified a misalignment between how the AI lifecycle operates in African contexts and how existing intellectual property regimes function. "And so, this project seeks to address that misalignment and to make things aligned in a way that helps to achieve responsible AI innovation."

"The vision is to have inclusive, sustainable, Afrocentric IP laws and policies and strategies, and not just at the public sphere, but also across the private sector. We want to see an improved regulatory and institutional ecosystem and link IP governance to innovation, scaling and development priorities."

The project, she explained, is organised around three thematic areas: rules, communities and impact. It examines lawmaking and application, community-centred governance including data sovereignty and benefit sharing, and the business and innovation models that determine whether AI initiatives on the continent can scale responsibly.

Prof Teshager Dagne, Ontario Research Chair in Governing Artificial Intelligence at York University, Canada, and the co-Principal Investigator on the project, outlined early-stage research mapping intellectual property practices across several AI initiatives in five African countries. The study focuses on how proprietary models, licensing regimes and data use are structured across different sectors.

The launch coincided with the presentation of the project's first report titled: "State of IP Governance of AI in Africa", which analysed the AI strategies and intellectual property frameworks across multiple African countries.

The report, which will soon be published in full, tracked IP considerations at each stage of the AI lifecycle, from data collection and training to outputs and liability. It highlighted tensions between copyright protection and the mining of data in the form of text, audio, images and videos by AI tools.

The report also examined how intellectual property frameworks apply to AI-generated outputs, including whether such outputs qualify for protection, how innovators can commercialise them and what liability may arise if AI systems produce infringing material or use protected works without authorisation. These questions, Prof Okorie noted, have direct implications for research practices, business models and the broader innovation ecosystem.

How countries are navigating the regulations

A regulators' roundtable discussion during the project launch illustrated how the

considerations raised in the report are already confronting national institutions across the continent. One participant explained that their office is receiving copyright registration requests for AI-assisted works and is in the process of developing policy guidance to address whether such works should be registered and, if so, under what parameters.

Another participant emphasised the role of regulators as “first responders” in fast-moving technological contexts. They cautioned against leaving these questions solely to the courts, noting the risk of premature or poorly grounded litigation shaping precedent. In their view, even foundational aspects of intellectual property law can be unevenly interpreted, making it preferable for regulators to issue advisory guidance that clarifies national positions and provides direction before disputes reach the judiciary.

Key policy considerations and the way forward

The programme concluded with discussions from researchers and industry practitioners, who reflected on how intellectual property uncertainty affects AI development, funding, data access and commercialisation on the continent. Speakers highlighted tensions between open and proprietary models, questions around data licensing and consent, and the practical challenges start-ups face when balancing community interests with investor expectations.

Across the sessions, several priority intellectual property policy areas came into focus. These included the use of copyright-protected materials in AI training and the balance between lawful access and rights protection; the status and ownership of AI-generated outputs; the patentability of AI systems and algorithms; liability where AI systems produce infringing content; and the role of licensing models in enabling or constraining innovation. Participants also raised questions about data sovereignty, community interests and benefit sharing, as well as whether regulatory guidance or targeted legislative reform is required to ensure that intellectual property frameworks respond effectively to the realities of AI development.

Professor Okorie concluded the launch by reiterating the project’s emphasis on collaboration and evidence-based reform. She invited regulators, researchers and industry participants to contribute to the next phase of the project, which will generate policy tools, regulatory guidance and case studies drawn from AI initiatives across the continent. The project will continue over the next 30 months, combining research, assessments and stakeholder engagements to inform IP practice in AI design, development and deployment in African contexts.