



**ARIPO**

*African Regional Intellectual  
Property Organization*

# INTRODUCTION TO INTELLECTUAL PROPERTY: ARIPO REGIONAL PERSPECTIVE

*J N KABARE*  
*Intellectual Property Operations Executive*

Gaborone, Botswana  
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*Fostering Creativity and Innovation for Economic Growth and Development in Africa*

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- **Intellectual property**
- **Benefits**
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# Intellectual Property

## *What is Intellectual Property (IP)?*

“creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce”

- \* creates a monopolistic right for a single individual
- \* Protected for a specific period of time where after it falls into the public domain



# Intellectual Property

## *Forms of Intellectual Property Protection*

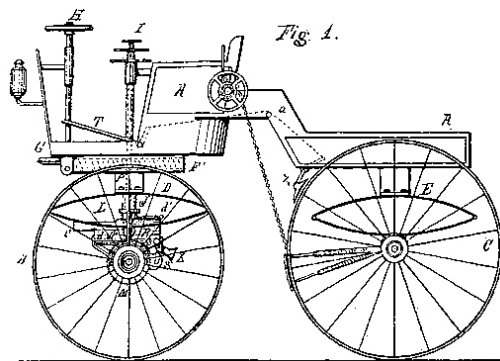
- Patents
- Trademarks
- Industrial Designs
- Geographical Indications
- Copyright and related rights



G. B. SELDEN.  
ROAD ENGINE.

No. 549,160.

Patented Nov. 5, 1895.



# What is a patent?

A patent is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem.



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TRADEMARK™



A trademark is a mark or sign which is capable of distinguishing the goods or services of one person from those of another used or proposed to be used in the course of trade.



**Nando's**



WOOLMARK Africa

ation for Economic G



# Trade Marks

- Provide exclusive rights to the registered trade mark owner or licensee to use of trade marks
- Period of protection: 10 years renewable indefinitely.
- What can be registered as a trade mark? Words, letters, numbers, drawings, symbols, 3D features (shape, packaging), sounds, fragrances, color shades.
- Must be inherently capable of distinguishing





# Industrial Designs



- Owner of a registered industrial design or of a design patent has the right to prevent 3rd parties from making, selling or importing articles bearing or embodying a design which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes.
- Industrial designs are applied to a wide variety of products of industry and handicraft items: e.g. packages, containers, jewelry, textiles.
- Industrial designs may also be protected as works of art under copyright law or under patent laws.



▶ ROQUEFORT

# GEOGRAPHICAL INDICATIONS

A sign used on goods that have a specific geographical origin and possess qualities or a reputation that are due to that place of origin.

Agricultural products typically have qualities that derive from their place of production and are influenced by specific local factors, such as climate and soil.

E.g.: Darjeeling Tea, Feta cheese, Roquefort cheese, Champagne



# Geographical Indications (GI)

- Those who have the right to use the GI may prevent its use by a third party whose product does not conform to the applicable standards.
- Typically used for agricultural products, foodstuffs, wine and spirit drinks, handicrafts, and industrial products.
- 3 ways to protect GIs:
  - \* *sui generis* systems
  - \* collective or certification marks
  - \* methods on business practices



# Trade Secrets/Undisclosed Information

- protected information which is not generally known among, or readily accessible to, persons that normally deal with the kind of information in question,
- has commercial value because it is secret – e.g COCA COLA recipe
- and has been subject to reasonable steps to keep it secret by the person lawfully in control of the information.



# COPYRIGHT ©

Rights given to creators for their literary and artistic works

What can be protected by copyright?

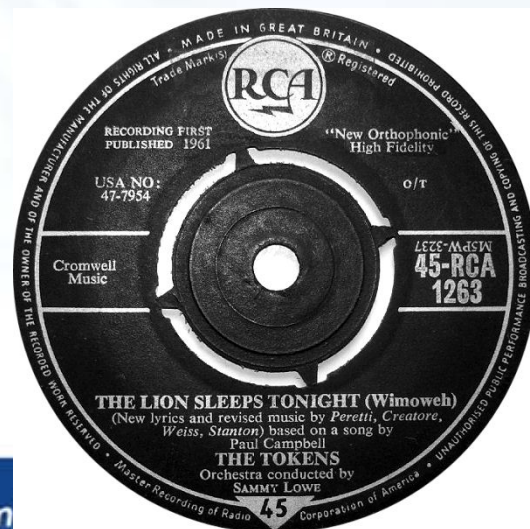
- literary works e.g. novels, poems, plays;
- databases;
- films, musical compositions, choreography;
- artistic works e.g. paintings, drawings, photographs; architecture;
- maps and technical drawings





# Folklore & Copyright

“Mbube – Lion Sleeps Tonight” – Solomon Linda



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Authentic

Commercial Use

Africa

# Copyright

- Economic and moral rights under copyright.
- Copyright protection accorded without needing to register it.
- Period of protection: life of the author plus 50 years after the death of the author.
- Collective management - is the exercise of copyright and related rights by organizations acting in the interest and on behalf of the owners of rights.

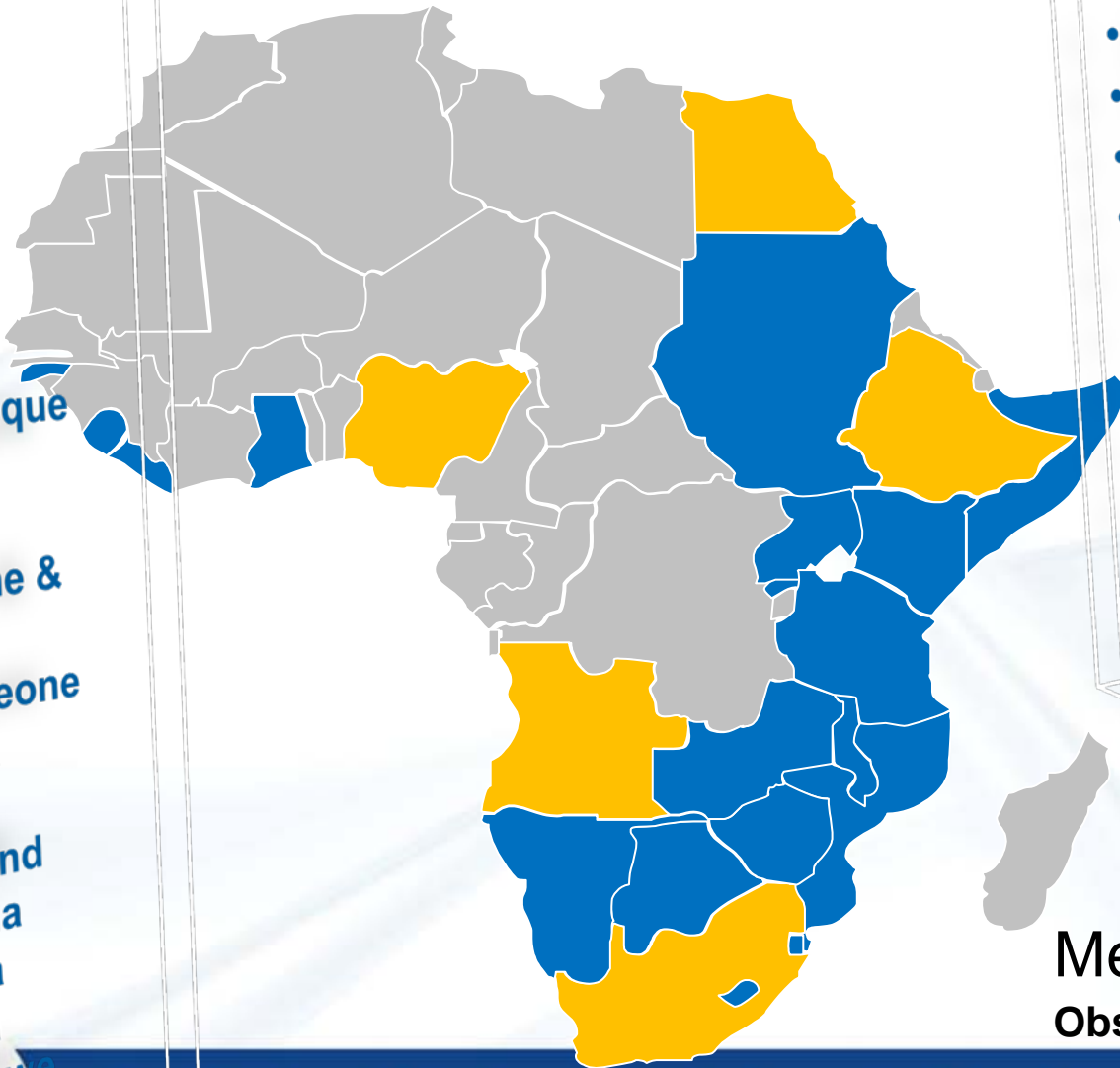




# Membership of The Organization

- Botswana
- Gambia
- Ghana
- Kenya
- Liberia
- Lesotho
- Malawi
- Mozambique
- Namibia
- Rwanda
- Sao Tome & Principe
- Sierra Leone
- Somalia
- Sudan
- Swaziland
- Tanzania
- Uganda
- Zambia
- Zimbabwe

- Angola
  - Burundi
  - Egypt
  - Eritrea
  - Ethiopia
  - Mauritius
  - Nigeria
  - Seychelles
  - South Africa
- = 9



Member States   
 Observer States 



# VI. ARIPO MANDATE

Patents and Utility Models

Industrial Designs

Trademarks

Traditional Knowledge (TK) and expressions folklore (EoF)

Harare Protocol (1982)

Harare Protocol (1982)

Banjul Protocol (1993)

Swakopmund Protocol (2010)

Copyright

Access and Benefit Sharing

Geographical Indications

Plant Variety Protection

VIII Session Council Min – 2002, Malawi

Draft Guidelines for ABS

Regional Framework?

**Arusha Protocol (2015)**



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# Substantive Activities of ARIPO



Grant /  
administer  
Patents

Register /  
administer  
Utility  
Models

Register /  
administer  
Industrial  
Designs

Plant variety  
protection  
(PVP)

Register  
/administer  
marks (service  
and TM)

Register  
Traditional  
Knowledge  
&  
Folklore



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# IP Benefits

- Prevents theft of the invention
- Higher Profit Margins
- Reduce Competition
- Encourage Settlement
- A patent gives you the right to stop others from copying, manufacturing, selling or importing your invention without your permission.
- You get protection for a pre-determined period, allowing you to keep competitors at bay.
- You can then utilize your invention yourself.
- Alternatively, you can license your patent for others to use it, or sell it, as with any asset. This can provide an important source of revenue for your business



# Patent costs

- May include but not limited to:
  - ❖ Patent application preparation costs
  - ❖ Patent application filing fees
  - ❖ Patent agent / attorney fees (where agent /attorney is engaged)
  - ❖ Administrative costs ( e.g. amendment, examination fees where applicable)
  - ❖ Annual maintenance fees
  - ❖ Enforcement costs (where applicable)



# ARIPO Fees

- Fees set out in the Schedule of fees and are quoted in USD
- Types of fees include:
  - **Application fees;**
  - **Designation fees;**
  - **Annual Maintenance fees;**
  - **Grant & Publication fees;**
  - **Any other fees as requested.**







## Schedule of Fees: Patents

Type of fees	Amount (US Dollars,
1. Application fee	250
2. Designation fees per Country designated	75
*3. Examination Report fee	250
*4. Search Report fee	250
5. Publication fee	300
Surcharge for each additional page after 40 pages	15
Surcharge for each additional claim after 10 claims	40
6. Grant fee	300
7. <i>Annual maintenance fees in respect of each designated State increasing by USD 20 per year</i>	
1st anniversary	40
2nd “	60
3rd “	80
4th “	100





# Schedule of Fees: Utility Models

Type of Fees	Amount (US Dollars)
1. Application fee	100
2. Designation fee (per country)	20
3. Registration and Publication fee	50
4. Maintenance fees (per Designated State)	
1 <sup>st</sup> year	20
2 <sup>nd</sup> year	25
3 <sup>rd</sup> year	30
4 <sup>th</sup> year	35
5 <sup>th</sup> year	40
6 <sup>th</sup> year	45
7 <sup>th</sup> year	50
For each year thereafter	10



# Schedule of Fees: Industrial Designs

- |    | Type of Fees   | Amount (US Dollars) |
|----|--|---------------------|
| 1. | Application fee  | 50                  |
| 2. | Designation fee per country designated                     | 10                  |
| 3. | Registration and Publication fee                           | 75                  |
| 4. | Annual maintenance fee in respect of each Designated State |                     |
|    | 1 <sup>st</sup> year                                       | 10                  |
|    | 2 <sup>nd</sup> year                                       | 12                  |
|    | 3 <sup>rd</sup> year                                       | 14                  |
|    | 4 <sup>th</sup> year                                       | 16                  |
|    | 5 <sup>th</sup> year                                       | 18                  |
|    | 6 <sup>th</sup> year                                       | 20, etc             |



# Schedule of Fees: Marks

Type of Fees	Amount (US Dollars)
1. Application for Registration of a Mark (Form M1)	100
2. Designation fee for the first class per State	50
3. For every additional mark per class per State	10
4. Registration fee for one class per designated State	100
5. Registration fee for every additional class per designated State	50
6. Renewal of registration for one class per designated State	100
7. Renewal of registration for every additional class per designated State	50



# Costs for the ARIPO route (18 or 9 designated member states used as an example. NB: Applicant decides on the no. of designated states)

No. of states designated	PATENT		UTILITY MODEL		INDUSTRIAL DESIGN				
	18	9	18	9	18	9			
FEE TYPE	Unit costs	Total costs	Unit Cost	Total Cost	Unit Cost	Total Cost			
Application Fee	250	250	250	100	100	100	50	50	
Designation Fee	75	1,350	675	20	360	180	10	180	
Grant Fee/ Registration	300	300	300	50	50	50	75	75	
Publication Fee	300	300	300						
Maintenance Fee									
1st	40	720	360	20	360	180	10	180	
2nd	60	1,080	540	25	450	225	12	216	
3rd	80	1,440	720	30	540	270	14	252	
4th	100	1,800	900	35	630	315	16	288	
5th	120	2,160	1,080	40	720	360	18	324	
6th	140	2,520	1,260	45	810	405	20	360	
7th	160	2,880	1,440	50	900	450	24	432	
8th	180	3,240	1,620	60	1080	540	28	504	
9th	200	3,600	1,800	70	1260	630	32	576	
10th	220	3,960	1,980	80	1440	720	36	648	
11th	240	4,320	2,160						
12th	260	4,680	2,340						
13th	280	5,040	2,520						
14th	300	5,400	2,700						
15th	320	5,760	2,880						
16th	370	6,660	3,330						
17th	420	7,560	3,780						
18th	470	8,460	4,230						
19th	520	9,360	4,680						
20th	570	10,260	5,130						
<b>Totals</b>		<b>93,100</b>	<b>46,975</b>		<b>8,700</b>	<b>4,425</b>		<b>4,085</b>	<b>2,105</b>





## African Regional Intellectual Property Organization

- ▶ Address: 11 Natal Road, Belgravia,  
Harare, Zimbabwe
- ▶ Tel: **+263 4 794 065 /6/8/54/74**
- ▶ Fax: **+263 4 794 072**
- ▶ Email:
- ▶ **mail@aripo.org**
- ▶ **Website: www.aripo.org**