



Effective Utilization of the Patent Cooperation Treaty  
(PCT) and  
International Work Sharing Initiatives

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*Challenges in Examination*

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# PRESENTATION OF OAPI

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- African Intellectual property organization (OAPI) which is a regional African organization with 17 states proceeds to grant patent.
- OAPI covers some 7,755,967 Km<sup>2</sup> for more than 150 million consumers.



# BANGUI AGREEMENT

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- Before this Bangui agreement, we have had libreville agreement of September 13<sup>th</sup>, 1962 which will be revised on march 2<sup>nd</sup>, 1977.

# MEMBERS STATES: 17

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- BENIN
- BURKINA FASO
- CAMEROUN
- CENTRAFRIQUE
- COMORES
- CONGO
- COTE D'IVOIRE
- GABON
- GUINEE
- GUINEE BISSAU
- GUINEE EQUATORIALE
- MALI
- MAURITANIE
- NIGER
- SENEGAL
- TCHAD
- TOGO



# WHICH PROTECTION SYSTEM OAPI?

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- The Bangui agreement established a common office;
- The procedures for granting protection titles are centralized;
- One application addressed to the Organization is deposited either directly at the OAPI headquarters, based in Yaoundé, Cameroon, or through the ministry in charge of intellectual property issues in each OAPI member state.
- The filing of an application has the effect of as a national filing in each of the member states.
- Titles granted by OAPI are valid in all member states;
- There is no national system of granting of titles which coexists with the regional system of protection.



## Missions OAPI

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- The traditional mission of OAPI is of course the registration of applications and the granting of titles, in accordance with the procedure which is followed by all the members states based on Bangui Agreement and other regulations. In this respect, OAPI acts on behalf and on the account of its members states;



## OTHER MISSIONS

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- Documentation and information related to intellectual property;
- Contributing to development of the states;
- Training on intellectual property.

# BANGUI AGREEMENT: 10 ANNEXES FOR 10 PROTECTION SUBJECT MATTERS

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- **Annexe I: patent;**
- **Annexe II: utility models;**
- **Annexe III: trademarks and service marks;**
- **Annexe IV: industrial design;**
- **Annexe V: trade names**
- **Annexe VI: geographical indications;**
- **Annexe VII: literary and artistic property;**
- **Annexe VIII: protection against unfair competition;**
- **Annexe IX: layout designs (topographies) of integrated circuits;**
- **Annexe X: Plants variety protection.**





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**ANNEX I OF THE BANGUI  
AGREEMENT**  
*Challenges in Examination*



## *Challenges in Examination*

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- **The ground of examination**

Any application filed under Bangui agreement shall be deemed to examination to ensure that:

- - the invention mentioned in the application is not excluded from the protection afforded by the patent under the provision of article 6;
- - the claim or claims conform to the provision of art 14
- - The provision of article 15 of this annex have been respected art 20(1),



# Challenges in Examination

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## ○ **The ground of examination**

Art 20(2) (b)« a search shall be conducted to ensure that at the time of filing, the invention: is new, involves an inventive step; is industrially applicable »

But the provisions of art 20(3) stipulate that the administrative council shall decide whether and to what extent the above provision shall be applied. It means that up to today substantive examination is not carried out by OAPI examiners,

For international application under patent cooperation treaty, the organization may avail itself of the provisions of articles 20 and 36 of the said treaty which relates to international search report and the international preliminary examination reports, respectively,



## *Challenges in Examination*

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- Today, in cooperation with European Patent Office, OAPI is working through training examiners and capacity building of his staff to carry out substantive examination nearly,
- " training in module related to Global Patent Index (GPI); Written opinion; examination of clarity and unity of invention"



## Substantive examination

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As mentioned above OAPI examine exclusion matters; unity of invention; and formal requirements related to patent documents.

# Substantive examination

## Statistics on examination

Dépôts OAPI 2006 à 2012							
	2006	2007	2008	2009	2010	2011	2012
Premiers dépôts	52	77	58	77	77	74	106
Seconds dépôts Paris	34	21	18	24	29	20	26
Seconds dépôts PCT	368	414	383	347	339	422	418
Total dépôts	454	512	459	448	445	516	550



## Substantive examination

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The duration of the procedure is around  
12 months

Formality examiners: 4

Technical examiners :2



# Substantive examination

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## Use of external results

- - OAPI uses external search results only through one way: PCT
- - Clarity; exceptions and limitations; unity of inventions, We consider any objection from the written report
- No consideration of the objections related to novelty, inventive step and industrial application





## Substantive examination

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- Through PCT ( International search report) OAPI Bangui agreement, should accept in art 20(5) to grant patent with claim admitted by ISA.



# Substantive examination

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## Resources

OAPI examiners utilizes Patentscope;  
espacenet; US-PAIR sometime,

We use ARDI and above databases on  
the basis of the third person request



## Substantive examination

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- The new development
- OAPI is working with European Patent Office to implement for the next years substantive examination.
- - Examiner training on patentability,
- - Exploitation of search report;
- - Elaboration of written opinion;
- - Recruitment of examiners



# CONCLUSION

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- Implementation tools for reviewing substantive examination
  - Development of the Examination Guidelines
  - Negotiating access to professional databases (EPOQUE from EPO; AIPN, etc.).
  - Cooperation for the purpose of acquisition research reports of other offices (EPO, JPO, INPI, etc.).



# CONCLUSION

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THANK YOU

FOR YOUR

ATTENTION



## CONCLUSION

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- ● Outsourcing the patentability search (EPO, JPO, INPI, etc.).
- Development of a special status of the body of patent examiners.
- Acquisition of hardware.