



ARIPO

*African Regional Intellectual
Property Organization*



REGIONAL WORKSHOP

Processing of ARIPO Applications – Filing to Grant/Registration

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Fostering Creativity and Innovation for Economic Growth and Development in Africa

Scope of Presentation

- Mandates under Protocols
- Procedures
 - filing
 - verification
 - Formality Examination
 - Granting/Registration Procedures
 - Publication



Mandates

- ARIPO is mandated to:
 - grant **patents**
 - **utility models** and
 - register **industrial designs**
 - Register **marks**
on behalf of the contracting states.
- Mandates are under the Harare Protocol and Banjul Protocol



Membership status

State	Lusaka Agreement	Harare Protocol	Banjul Protocol
Botswana	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Gambia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Ghana	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Kenya	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Lesotho	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Liberia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Malawi	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mozambique	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Namibia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Rwanda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Sao Tome & Principe	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sierra Leone	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Somalia	<input checked="" type="checkbox"/>		
Sudan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Swaziland	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Uganda,	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Tanzania	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Zambia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Zimbabwe	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

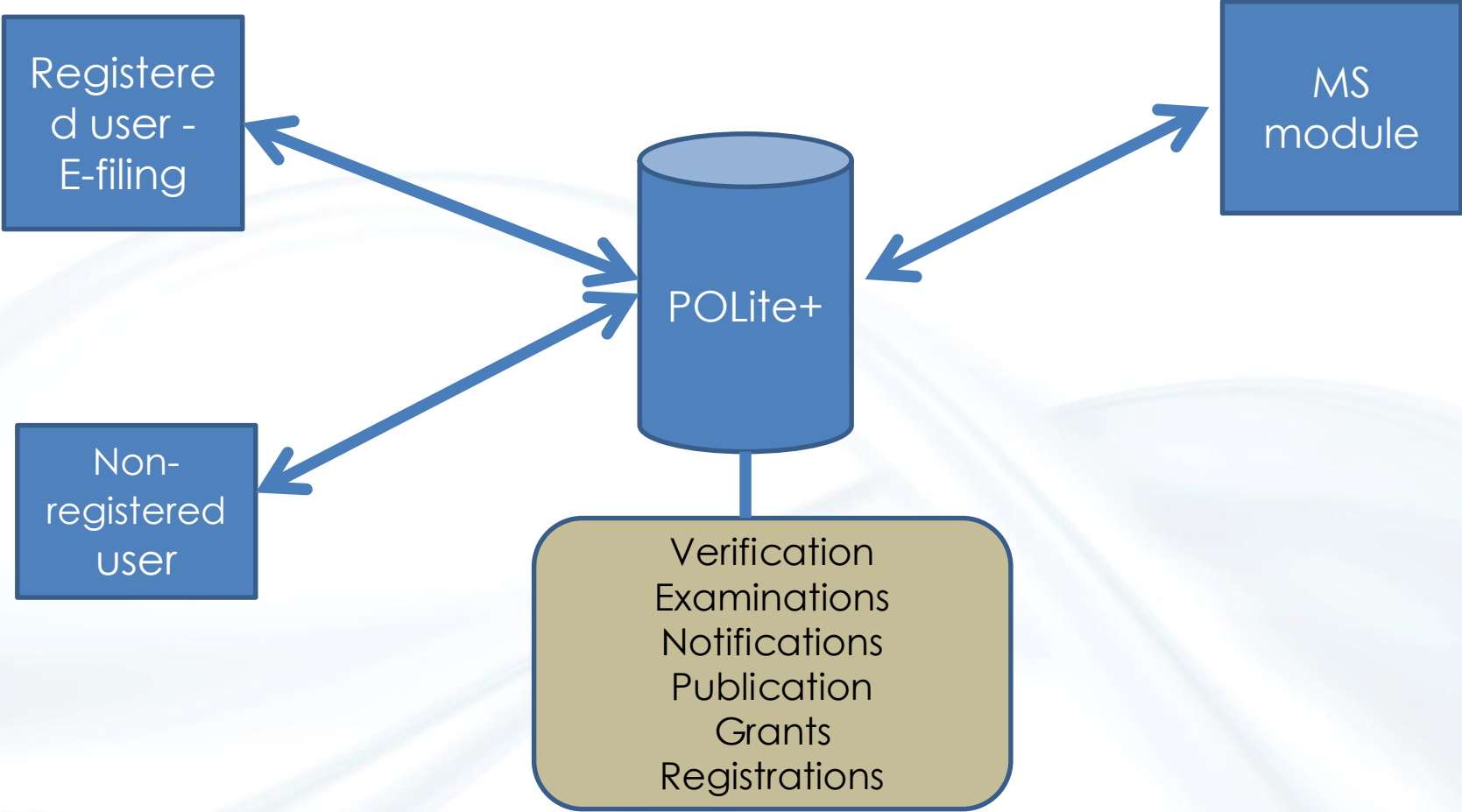
Filing an ARIPO Application!

Processes are POLite+ based i.e.

- Filing
 - Receiving
 - Fee payment and processing
 - Generation of Notifications
 - Exchange of communication
 - Publication
 - Etc.
-
- All documents received as hard copies are digitized



Simple Flow diagram!



Filing an ARIPO Application!

How?

- ▶ E-filing
- ▶ hand
- ▶ Post/Courier
- ▶ Email

Where?

- ▶ direct filing at ARIPO
- ▶ filing through contracting states (Receiving Offices (RO))



Who can file!

- a natural person or
- a representative of the applicant
 - Representation is required where applicant is not a national of any of the contracting states or does not have a place of business within any of the contracting states.
 - Where representation is used, representative must meet their national requirements.



Documentation!

Patent or Utility Model :

- fully completed request form (Form 3)
- complete specification
 - description, claims, abstract and drawings
 - Request for examination – Form 13A (for patents only)
 - ✓ within 3 years from filing date
- application and designation fee and any other fee due on filing or
- letter of undertaking to pay such fees in 21 days from date of filing



Note:

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- Where an application is filed through RO, an extra copy

Documentation!

Industrial Design:

- fully completed request form ([Form 28](#))
- Copy or copies of design reproduction
- application and designation fee and any other fee due on filing or
- letter of undertaking to pay such fees in 21 days from date of filing



Documentation!

Mark:

- fully completed application form ([Form M1](#))
- Copy or copies of mark reproduction
- application and designation fee and any other fee due on filing or
- letter of undertaking to pay such fees in 21 days from date of filing



Transmittal by Receiving Office!

- Transmittal is within 1 month from date of receipt
- Transmittal forms
 - Form 9 (Patents & Utility Models)
 - Form 30 (Designs)
 - Form M5 (Marks)



Verification Process!

- Patents/Utility Models/Industrial Designs:
 - Contents of Request Form
 - ✓ Priority declaration
 - ✓ Designation of Contracting States
 - Deed of assignment
 - Fee Payments
 - Physical requirements for specification

- Application number and filing date - accorded.



Verification Process!

Marks

- Contents of Request Form
- Declarations:
 - Priority
 - Use
 - Translations/Transliterations
- Designation of Contracting States
- Fee Payments
- Use declaration
- Application number and filing date - accorded.



Subsequent documents!

- Power of attorney (POA)
- Priority document*
- Deed of assignment*
- translations

Note:

* Documents are not mandatory if it is a PCT application



Data Capturing!

- For all applications:
 - capturing of data (bibliographic data)
 - new file created
 - Download from WIPO-DAS (Patents)
 - notification forms generated
 - Form 12 (Patents and Utility Models)
 - Form 33 (Designs)
 - Form M5B (Marks)
 - copies sent to applicant and all designated states.
 - publication in ARIPO Journal



Fees!

Fee	Patents	Utility Model	Industrial Design	Marks
Application Fee				
▪ Online	290	100	50	80
▪ Hard-copy	232	80	40	100
Designation Fee (per state)	85	20	10	50
Anniversary (per state)				
1 st	50	20	10	100 per state plus \$50 per additional class*
2 nd	70	25	12	
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Formality Examination!

Main requirements:

- ✓ power of attorney
 - ✓ deed of assignment
 - ✓ priority document
 - ✓ fees
 - ✓ time limits
 - ✓ request for examination - patents
 - ✓ physical requirements – patents/utility models
- } all applications

Rectification, Appeal & Conversion!

- Applicants are notified of any deficiencies for amendments through:
 - ✓ Form 14 (Patents, Utility Models)
 - ✓ Form 35 (Industrial Designs)
 - ✓ Form M4 (Marks)
- Provision of time to amend
- Provision of appeals procedure upon refusal of application
- Lodges notification of appeal with the appeals board
- Conversion of the application permissible after refusal.



Compliance with Formal Examination!

- issuance of ARIPO Form 13 (Patents and Utility models)
 - application proceeds to substantive examination – ARIPO
- issuance of ARIPO Form 34 (Designs)
 - application proceeds to substantive examination by - DS
- issuance of ARIPO Form M8 (Marks)
 - application proceeds to substantive examination by – DS
- copies of notifications sent to applicant and DS
 - ✓ instant on member state and registered users modules
 - ✓ by post



Substantive examination – Patents and Utility Models!

Examination by ARIPO

- Request for examination required for all patent application (Form 13A)
- all applications to be examined in accordance with requirements of the Harare Protocol

Examination Out come:

- ✓ acceptance - Form 21
- ✓ Non-compliance notice - Form 18

Action by Designated States (DS)

- ✓ DS has 6 months to respond to Form 21

Action by Applicant

- ✓ Lodge grant/registration and publication fees within 3months



Substantive examination – Designs and Marks!

Examination by Designated State

- all applications to be examined in accordance with requirements of the national law of each designated state

Examination response by DS- Marks

- to be issued within 9 months
 - ✓ acceptance - Form M9B
 - ✓ Refusal/conditional refusal - Form M9
 - ✓ response refusal/conditional refusal – Form M9C

Examination response by DS - Designs

- to be issued within 6months
 - ✓ acceptance notice – not necessary
 - ✓ Refusal/conditional refusal notice - Form 37

Action by Applicant

- ✓ Lodge registration and publication fees



- Identify applications due for grant/registration
- Verify if all requirements have been met
- Allocate Grant and Publication date
- Generate grant/registration numbers
- Generate certificates of grant/registration
- Conduct quality check
 - ✓ Copies sent to applicants and DS

- Where an application is lodged through a RO, an extra copy is required and will be retained by RO
- All documents received as hard copies are digitized and attached to relevant POLite+ record
- All processes are POLite+ based
- All notifications generated within POLite+



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