



*WIPO SUB-REGIONAL WORKSHOP
FOR PATENT EXAMINERS ON UTILIZATION OF EXAMINATION RESULTS
OF OTHER
IP OFFICES*

*THE ETHIOPIAN INTELLECTUAL PROPERTY OFFICE
Addis Ababa, Ethiopia*

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HARARE, ZIMBABWE

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*ORGANIZATIONAL
CHART OF
EIPO*

DIRECTOR GENERAL

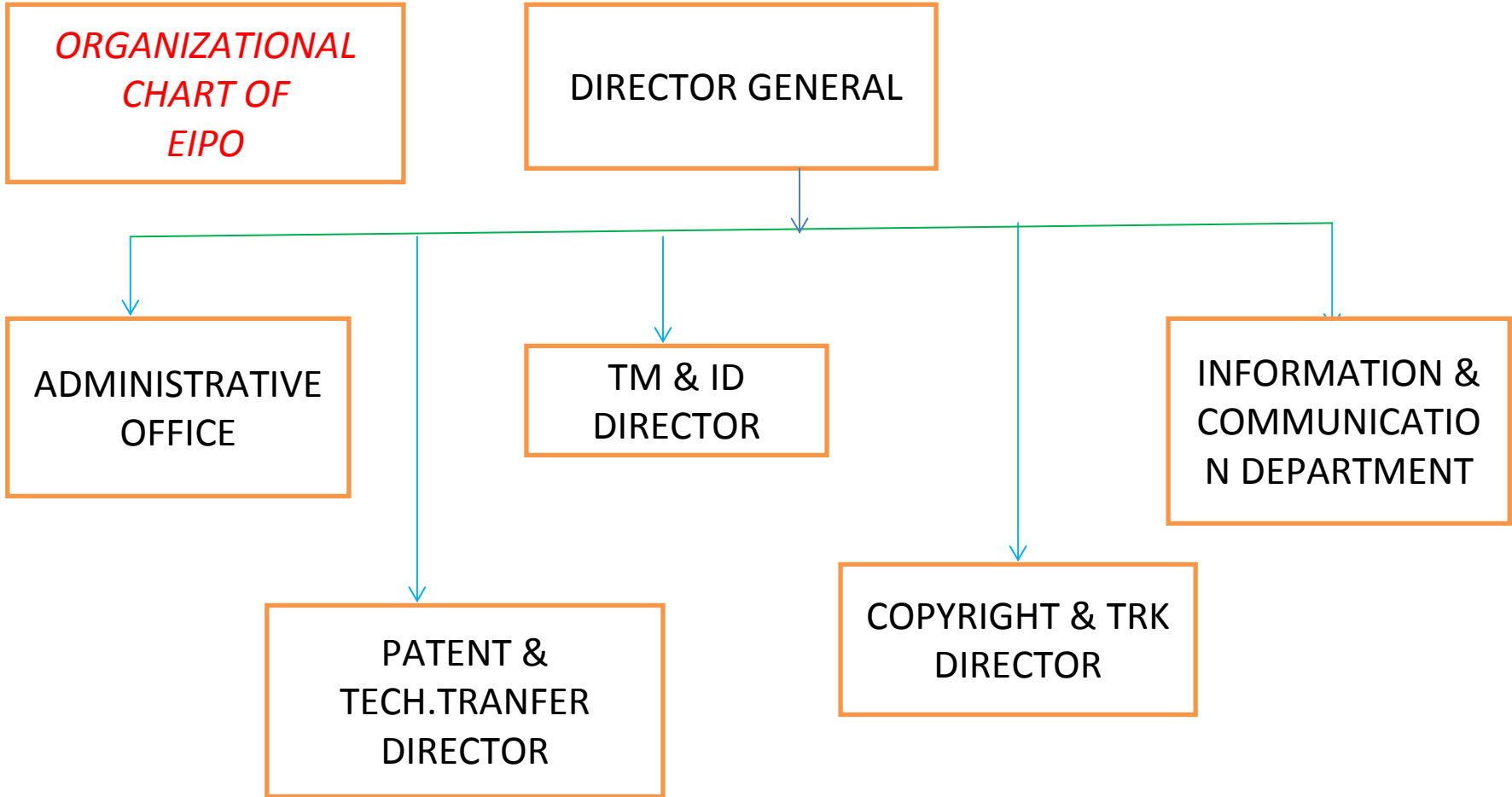
ADMINISTRATIVE
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TM & ID
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PATENT &
TECH. TRANSFER
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STAFFING OF PATENT OFFICE

Total number of Examiners = 8

- ENGINEERING = 2
- PHARMACY =1
- CHEMISTRY = 3
- INFORMATION TECHNOLOGY=1
- PHYSICS= 1

LAWS AND REGULATIONS

- ❖ Proclamation concerning Inventions, Minor Inventions and Industrial Designs was promulgated in 1995
- ❖ Regulation on procedure of granting of Patent and Utility Model Certificates was signed and put in practice in 1997
- ❖ *Examination Guidelines*
- ❖ There is no examination guidelines except Patent proclamation and regulations .
- ❖ Ethiopia is not a member of PCT but use the principle and source document of PCT at large.

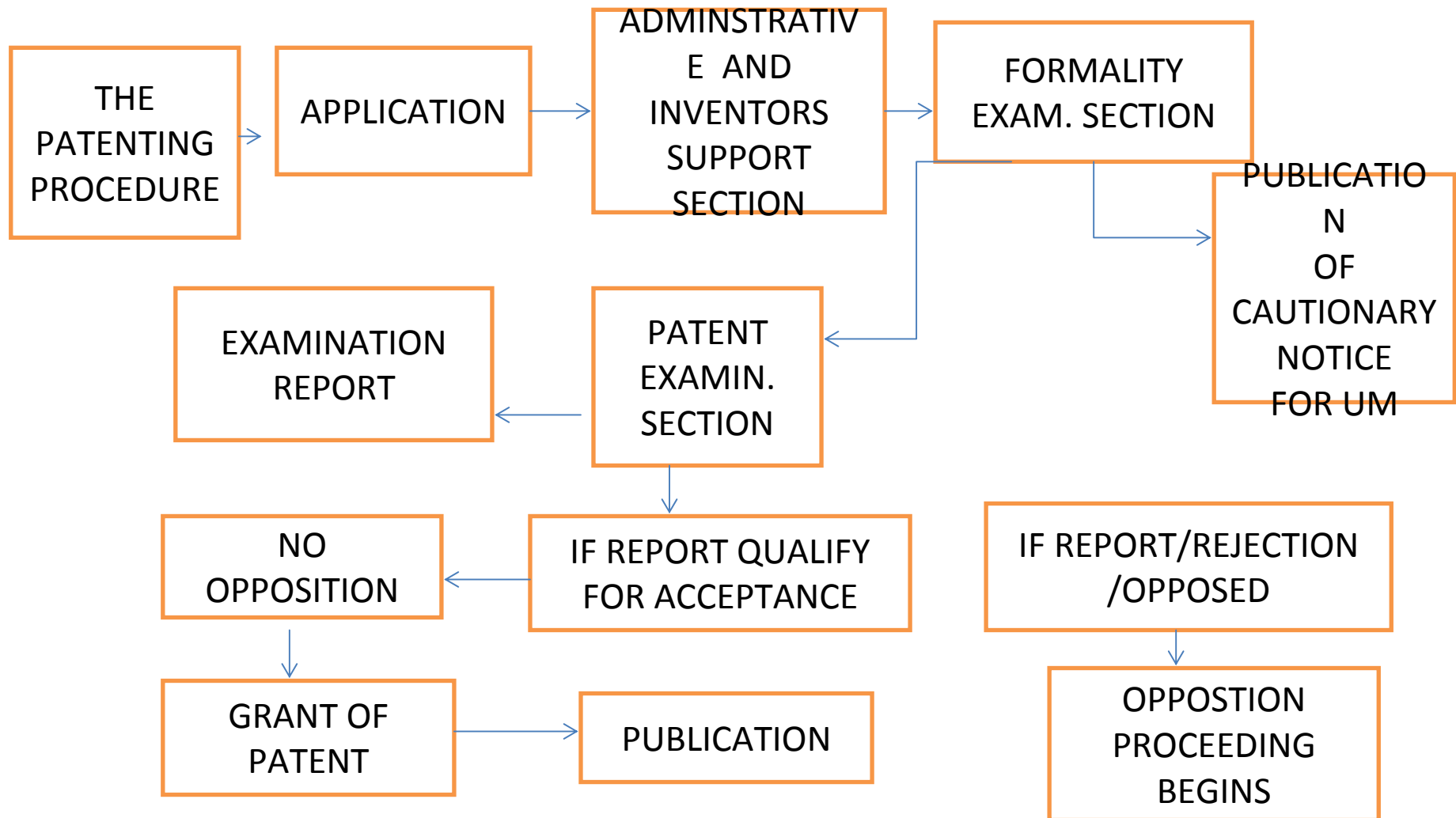
STATISTICS ON PATENT APPLICATION

year	Patent	Utility model
1996	-	4
1997	3	9
1998	11	9
1999	17	22
2000	13	17
2001	14	47
2002	11	8

year	Patent	Utility model
2003	7	43
2004	4	56
2005	5	43
2006	9	60
2007	37	74
2008	42	98
2009	38	121

Year	Patent	Utility model
2010	46	172
2011	55	223
<i>Total</i>	312	1006

STATUS	PATENT	UTILITY MODEL
RECEIVED	312	1006
GRANTED	142	393
REJECTED	-----	150
NATIONAL APPLICATION	36	1000
FOREIGN APPLICATION	276	6



What is patentable?

Invention which fulfills the criteria of

1- Novelty

2- Inventive steps/only for patent not mandatory for utility model

3- Industrially applicability under Proclamation concerning Inventions, Minor Inventions and Industrial Designs of 123/1995 is patentable.

What is not Patentable?

- ❖ Invention which deals with
 - ❖ Laws of nature, physical phenomena and scientific principles/discoveries.
 - ❖ schemes, rules or methods for playing games or performing commercial and industrial activities and computer program.
 - ❖ Plant or animal varieties or essential biological processes for the production of plants or animals.
 - ❖ Method for treatment of human or animal body by surgery or therapy are not patentable.

Examination of Application

- ❖ The office shall undertake a formal examination of the application
- ❖ When, upon formal examination, the application is not in conformity with the requirements laid down in the proclamation and in the regulations, the office shall call upon the applicant to amend the application.
- ❖ *If the applicant fails to amend as required within a period of two months the application shall be considered withdrawn.*
- ❖ When the office determines that the application is acceptable, it shall undertake or cause to be undertaken a substantive examination of the invention.

Deferred Examination

❖ This type of examination is not allowed (the filing of an application and request for examination latter) is not permissible so that applicants are normally advised to request for examination while filing the application.

Advisory Services

❖ The Patent office has a patent administration section within the office that normally provide support services to an institutions as well as individual researchers/inventors and students in guiding them on how to prepare and draft patent documents of their own, access/search techniques for patent and non-patent literatures and also gives library and internet services.

Information from the applicants by examiners

❖ Even though it is not mentioned in the proclamation and regulation to authorize or prohibit the examiner to get information from the applicant the normal procedure is that the examiner can discuss with the applicant/inventor for un-limited period of time, depending on the clarity and ambiguity of the invention.

❖ For foreign application it is also possible to get information from the applicant regarding the application as where it has been filed and in which IP offices and also copies of the external examination.

Challenges in Substantive Examination

- ❖ Interpretation of Written opinion of the International Search and International Preliminary Examination Authority Report
- ❖ Lack of skilled and trained patent examiners especially in certain field of technology

Claims

Product and Process or product by process

- ❖ Number of Independent and Dependent claims are un-limited or no restriction on the amount but takes into account the nature of the invention.

Granting of patents based on claims granted by other IP offices

❖ For foreign applications granting of the patent is normally conducted by using other countries examination report but a thorough examination is carried on each claim.

❖ Normally we use EPO, USPTO and any IP offices document/examination report if it complies with our Patent Proclamation and Regulation.

Databases commonly used for Examination Result

- ❖ Patent scope (mainly)
 - ❖ Espacenet
 - ❖ Free patents online
 - ❖ US PTO
 - ❖ Advanced Google patents Search
- For prior art search
- ❖ we use all the above data base but not ARDI & ASPI

Challenges

- ❖ Lack of experienced and trained expertise in examination + patent attorney.
- ❖ Absence IP policy especially institutional IP policy and awareness among the society.

THANK YOU