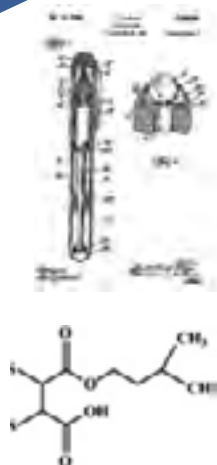




## PROCEDURE FOR FILING AN APPLICATION AND GRANTING OF A PATENT AT THE ARIPO OFFICE



Harare, Zimbabwe 2016

### Before Applying for an ARIPO Patent

Firstly, it is important to know what inventions and patents are—

Patents protect inventions, which are new, inventive and industrially applicable. An invention is a new solution to a technical problem. It can be a product, a process, an apparatus or new use of existing products.

### Filing an Application

#### Filing Routes

An ARIPO patent application may be filed directly with the ARIPO Office or indirectly with the national industrial property office any of the Contracting States acting as Receiving Office. An application filed with the office of the Contracting State acting as a Receiving Office will have the same effect as if it has been filed at the same date at the ARIPO Office. Filing of the application may be done online, by manner of personal delivery, email or registered mail, whichever method is convenient to the applicant.

#### Who Can Apply for a Patent?

An ARIPO patent application may be filed by the applicant (who will be an inventor or his/her assignee) or by the authorized representative of the applicant (attorney, agent, or legal practitioner) who has the right to represent the applicant before the industrial property office of the contracting state. Representation is mandatory for applicants who are not resident or whose principal place of business is not situated in a contracting state.

### Requirements for an Application

An ARIPO patent application consists of—

- a completed ARIPO Form 3 (Request Form)
- a description of the invention
- one or more claims
- one or more drawings (if any)
- an abstract
- prescribed application fees or a written undertaking to lodge the fees.
- designation of at least one state

### Filing Language

The application must be in English. For any language other than English, a translation of the document must be submitted within six months from the date of filing.

### ARIPO Online Service

The ARIPO Office has recently introduced online services to allow applicants, attorneys, agents and other users to conduct their ARIPO business electronically in a secure state of the art environment. This facility allows for online filing of IP files, online payment of fees, sending and receiving notifications and general tracking of filed applications.

The online service can be accessed at [eservice.aripo.org](http://eservice.aripo.org) or from the ARIPO website [www.aripo.org](http://www.aripo.org) or by contacting ARIPO at [mail@aripo.org](mailto:mail@aripo.org). The online filing option comes with a 20% reduction of the application fee.

### Subsequent Documents

Any documents submitted by the applicant after the transmittal of the application to the ARIPO Office must be filed directly with the ARIPO Office.

### Mandatory Requirements for According a Filing Date

The first step in the ARIPO patent granting procedure is for the ARIPO Office to check the requirements for according filing date (examination on filing). The application is checked to ensure that all the necessary information and documentation required has been provided so that the application can be accorded a filing date. If the application contains completed application form (request), a description and one or more claims, a filing date will be accorded and applicant notified.

### Formality Examination

Formality examination relating to certain formal aspects of the application, including the form and content of the application for registration, drawings and abstract, the designation of the inventor, the power of attorney, the necessary translations, fees due and technical and physical requirements of the description and claims will be undertaken by the ARIPO Office.

### Appeals and Conversion

The ARIPO Office can refuse an application due to noncompliance with formal requirements. The applicant can request the Office to reconsider the refusal. If the Office still refuses, the applicant can appeal against the decision of the Office to the ARIPO Board of Appeal or may within three months from the date of refusal request that the application be treated in any designated state as an application according to the national law of that state (conversion). The decision of the board of appeal is final.

## Substantive Examination

Where the Office finds that the application complies with formal requirements, it will notify the applicant and each of the designated states of this fact and proceed to conduct a substantive examination in accordance with requirements of the Harare Protocol. The requirements include the need for the invention to have novelty, an inventive step and industrial applicability. Should the application meet these requirements, the applicant and designated states are notified of the decision to grant a patent and each designated state should, within six months of the notification, make written communication to the ARIPO Office expressing its objection or acceptance to the registration.

In the case where the application fails to meet the requirements, the applicant is invited to amend the application within a specified period. The application may be refused if the applicant fails to comply with the requirements. Where the application has been accepted, nevertheless, all the designated states are notified of the impending intention to register and if any state objects to the grant it must notify the ARIPO Office within six months that any grant ensuing from the application will have no effect in its territory.

## Refusal or Amendment of Application

The ARIPO Office may refuse to accept an application for lack of compliance with either of the prescribed formal or substantive requirements. In each case, however, the applicant is afforded an opportunity to rectify the deficiencies within prescribed time limits. The applicant may, within two months of that decision and on good grounds given, request that the Office reconsider its decision. In the event that the ARIPO Office still refuses the application, the applicant may either make an appeal to the Board of Appeal or request the Office to convert the application into an ARIPO utility model application or as a patent application for grant/registration by the patent office of a designated state with effect within that state.

## Registration, Publication and Effect

### The Grant

At the expiration of the six months period following communication to designated states of the Office's intention to grant a patent, the Office will proceed to grant the patent in respect to those designated states from which no written objection to grant was received. The new patent so granted will be entered on the Office's register of patents and a certificate of grant issued.

### Publication of the Grant

Besides entering the new patent on the register, it is published in the ARIPO Journal reflecting such details as necessary for adequate identification such as the owner's details, the inventor's details, application number, patent number, designated states, any priority claims, title of the invention and class of the International Patent Classification, and the abstract accompanied by any drawings (if any).

### Effect of the Grant

The grant will have force and effect only with respect to the territories of the designated states for which the patent grant was made. The cumulative duration of protection of an ARIPO patent is 20 years from the date of filing, subject to payment of annual maintenance fees.



## Fees

### Renewal Fees

The fees are payable on annual basis as indicated on the ARIPO schedule of fees. The annual maintenance fee falls due on the eve of each anniversary of the date of filing and are paid in advance to the ARIPO Office. There is a grace period of six months allowed for the late payment of annual maintenance fees which attract surcharge fees. If the annual maintenance fee is not paid in accordance with the rule, the application is deemed to have been withdrawn. ARIPO publishes notification of renewed and lapsed applications and grants in the ARIPO Journal.

### Main Fees

Regulations under the Harare Protocol on Patents and Industrial Designs contain a full list of fees payable at the ARIPO Office for all services for which a fee is charged by the Office.

*For Patents, a selected few are as follows—*

TYPE OF FEE	AMOUNT (USD)
Application fee	\$250 (paper filing) \$200 (online filing)
Designation fee/state	\$75
Renewal fee/state/year	\$40 (increments by \$10 per year)
Grant & publication fee for registration fee	\$600
Extra claims fee	\$40 for each claim after the 10 <sup>th</sup>
Extra pages fee	\$15 for each page after the 30 <sup>th</sup>

## Harare Protocol Contracting States

The African Regional Intellectual Property Organization has a membership of 19 African states, 18 of which are signatory to the Harare Protocol.

*These Harare Protocol Contracting States are as follows—*

Botswana	The Gambia	Ghana
Kenya	Lesotho	Liberia
Malawi	Mozambique	Namibia
Rwanda	São Tomé and Príncipe	Sierra Leone
Sudan	Swaziland	Tanzania
Uganda	Zambia	Zimbabwe

### CONTACT DETAILS

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