



PROCEDURE FOR FILING AN APPLICATION AND REGISTRATION OF A MARK AT THE ARIPO OFFICE



Harare, Zimbabwe 2016

Basic Information

1. Banjul Protocol and its Geographical Jurisdiction

The ARIPO trademark system is governed under the Banjul Protocol on Marks. This Protocol is operational in 10 of the 19 Member States. The states signatory to the Banjul Protocol are herein referred to as Banjul Protocol Contracting States.

2. Applicant

An applicant is a natural person or a legal corporate who has bona fide rights to apply for registration of a mark.

3. Who Can File?

An ARIPO application may be filed by any qualified natural or legal person, either in person or through an authorized representative.

4. Representation

An ARIPO application for registration of a mark maybe filed by any qualified natural or legal person either in person or through an authorized representative. The representative is a trademark agent or legal practitioner who is duly recognized by the national industrial property office of the Contracting State as having the right to represent the applicant. Where the applicant neither is an ordinary resident nor has a principal place of business in any of the Banjul Protocol Contracting States, such applicant must be represented on filing an application.

Filing an Application

5. Filing Routes

A mark 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.

6. Transmittal of Application to the ARIPO Office

If the application is filed with an industrial property office of a contracting state, that office is required to transmit the application to the ARIPO Office within one month of receipt of the application.

7. ARIPO Online Service

ARIPO 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 or from the ARIPO website www.aripo.org or by contacting ARIPO at mail@aripo.org.

The online filing option comes with a 20% reduction of the application fee.

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

Allocation of a Filing Date

8. Requirements for Allocation of a Filing Date

On receipt of the application, either from the applicant (or an agent thereof) or from a Receiving Office, the ARIPO Office undertakes an examination of the application. The examination is to determine a filing date of the application. A filing date is accorded on an application if it meets the following conditions:

- containing of an express or implied indication that registration is sought
- disclosure of the identity of the applicant
- indications sufficient to contact the applicant or his representatives
- a clear reproduction of the mark for which registration is sought
- a list of goods or/and services for which registration is sought

9. Contents of an ARIPO Mark Application

Application for registration of a trade mark should be made in a prescribed form. The form of application must contain the following:

- the applicant's name and address
- designation of the Banjul Protocol Contracting State(s)
- descriptions of goods and/or services
- corresponding class/classes of the goods and/or services in accordance with the Nice Classification
- name(s) of colour(s) claimed (if any) as a distinctive feature of the mark
- a reproduction of the mark in the form of a two dimensional, graphic or photographic reproduction,
- a declaration of actual use or intention to use the mark.

Formality & Substantive Examinations

10. Contents of an ARIPO Mark Application

The ARIPO Office will then examine the application as to formality and this entails checking that the application form is duly completed as per the above requirements, that if the application is filed by a representative a power of attorney is lodged and that the requisite application fees have been paid or a statement of commitment to settle them within 21 working days there-from (payable in US dollar) is attached. Nationals of a Contracting State can pay the prescribed fees in local currency equivalent to the prescribed fee through their industrial property office. If priority is being claimed, the applicant will need to lodge a priority document. Priority subsists within six months.

11. 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 to the Office of 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.

12. Substantive Examination

Substantive examination is conducted by a designated state in accordance with its national laws. Each of the designated states is given nine months within which to notify the ARIPO Office in writing (after the notification by ARIPO Office) that the mark shall have no effect in that state if registered. The designated states should give reasons for its refusal according to the national laws and this is communicated to the Office.

The Office then communicates the refusal to the applicant who is given an opportunity to respond either through the Office or to the designated state concerned. The refusal is subject to appeal or review under the national laws of the designated state. If the mark application is due for registration, the ARIPO Office will proceed to register the mark with respect to other designated states which did not object.

Registration, Publication and Effect of Registration

13. Registration, Publication and Opposition

Mark applications which have been accepted by designated states on substantive examination are published in the ARIPO Journal and, three months from the publication, the Office will register the mark upon payment of a registration fee by the applicant. The Office will then issue a certificate of registration to the applicant. During the publication of the mark in the Journal any person may give notice of opposition. The opposition is dealt with in accordance with the national laws.

14. Effect of Registration

The duration of registration of a registered mark is ten years from the date of filing. The registration may be renewed for a further ten years on payment of the prescribed renewal fee. Rights conferred by the registered mark is the same in every designated state.

15. Contracting States

Of the 19 Member States of ARIPO, ten are Banjul Protocol contracting states. Only these can be designated in mark applications and they are—

Botswana	Lesotho	Liberia
Malawi	Tanzania	Uganda
Namibia	São Tomé and Príncipe	Swaziland
Zimbabwe		

16. Main Fees

Regulations under the Banjul Protocol contain a schedule of all fees applicable to services rendered by the ARIPO Office. Some of the fees are as follows:

TYPE OF FEE	AMOUNT (USD)
Application fee	\$100 (paper filing) \$80 (online filing)
Designation fee for the first class per state	\$50
For every additional mark per class per state	\$10
Registration fee: for one class per designated state	\$100
Registration fee: for every additional class per designated state	\$50
Renewal of registration for one class per designated state	\$100
Renewal of registration for every additional class per designated state	\$50

17. Introduction of Individual Country Fees

Each Contracting State may choose to use either the current ARIPO fees or the individual country fees to be charged on applications designating that country. The ARIPO Office is currently developing mechanisms for implementing the system.

Banjul Protocol Contracting States



- ▶ Botswana
- ▶ Liberia
- ▶ Lesotho
- ▶ Malawi
- ▶ Namibia
- ▶ São Tomé and Príncipe
- ▶ Swaziland
- ▶ United Republic of Tanzania
- ▶ Uganda
- ▶ Zimbabwe

= 10

CONTACT DETAILS

POSTAL: The Director General, ARIPO, P.O. Box 4228, Harare, Zimbabwe

PHYSICAL: 11 Natal Road, Belgravia, Harare, Zimbabwe

TELEPHONE: +263-4-794054/65/66/68

MOBILE: +263-731 559 987, +263-731 020 609, +263-715 837 323

FAX: +263-4-794072/3

E-MAIL: mail@aripo.org

WEBSITE: www.aripo.org