



**AFRICAN REGIONAL INTELLECTUAL PROPERTY
ORGANIZATION (ARIPO)**

**ADMINISTRATIVE INSTRUCTIONS
UNDER THE
REGULATIONS FOR IMPLEMENTING THE PROTOCOL ON
PATENTS, INDUSTRIAL DESIGNS AND UTILITY MODELS
WITHIN THE FRAMEWORK OF THE
AFRICAN REGIONAL INTELLECTUAL PROPERTY
ORGANIZATION (ARIPO)**

**Established by the Director General of the African Regional Intellectual
Property Organization (ARIPO) in accordance with
Rule 2(5) (a) of the Regulations,
with effect from April 25, 1984**

January 2000

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TABLE OF CONTENTS

Matter	Page
Preliminary	
1. Short title and date of operation	7
2. Interpretation	7
3. Fees	7
4. Forms	8
Registers	
5. Request for alteration of names and addresses and for correction of errors	8
6. Inspection; copies of extracts	8
ARIPO Office	
7. Hours of business	8
Documents	
8. Directions as to furnishing of documents, etc.	9
9. Corrections and rectifications	9
10. Translations	9
11. Publication and sale of documents	9
12. Signatures by partnerships, companies and associations	9

Time Limits

13.	Alteration of time limits	10
14.	Dispatch by post	10

Application for grant of patent

15.	Naming of inventor	10
16.	Request for grant of patent	10
17.	Applicant's name	11
18.	Indication of nationality and residence	11
19.	Power of Attorney	11
20.	Designation of States	11
21.	Unity of invention	11
22.	Claims	11
23.	Drawings	12
24.	Abstract	12
25.	Measures, terminology and signs	13
26.	Number of copies and physical requirements	13
27.	Amendment of application	15
28.	Division of application	15
29.	Declaration of priority	15

Distribution of Fees

30.	Request by Contracting State for remittance of fees due ...	16
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Transmittal of Application

31.	Verification by Receiving Office that application fulfils certain requirements	16
32.	Allotment of application number by Receiving Office	16
33.	Acknowledgement by Receiving Office of receipt of application	17
34.	Transmittal of application to the ARIPO Office	17
35.	Filing of subsequent documents	17

Filing Date

36. Allotment of application number by ARIPO Office and the according and notification of filing date 17

Examination as to formal requirements

37. Formal requirements 18
38. Invitation to correct application 18
39. Missing drawings 19
40. Missing abstract 19
41. Notification of compliance with formal requirements 19
42. Decision refusing application on grounds of non-compliance with formal requirements 19
43. Request to reconsider decision refusing application on grounds of non-compliance with formal requirements .. 19
44. Refusal of application not affecting filing date 19

Information concerning corresponding foreign applications, patents or other titles of protection

45. Request for information 20
46. Time for furnishing information 20

Withdrawal of application

47. Declaration of withdrawal 20

Examination as to substance

48. Examining authority 20
49. Search and examination report 20
50. Completion of examination as to substance and invitation to submit observations and amend application .. 21
51. Refusal to grant patent 22
52. Decision and notification to grant patent 22
53. Communication by Designated State that patent shall have no effect in its territory 22

Conversion into national application

54. Request for conversion into national application 23

Grant, Recordal and Publication of Patent

55. Contents and numbering of patent 23
56. Name of inventor 23
57. Certificate of Grant 23

Payment of Annual Maintenance Fees

58. Reminder of payment due 24
59. Receipt of payment 24

Application and Procedure for registration of Industrial Design

60. Request for registration 24
61. Number and size of reproduction 24
62. Application of provisions relating to patent applications 24
63. Transmittal of application 25
64. Allotment of application number 25
65. Filing date 25
66. Examination as to formal requirements 25
67. Withdrawal of application 26
68. Communication that registration shall have no Effect in territory of Designated State 26
69. Request for conversion of application into national application 26
70. Registration and publication 26
71. Fees 27

Licences, assignments, transmissions and other similar rights

72. Notification by Designated State of registration of licence, assignment, transmission or other similar rights 27

73.	Registration of assignment, transmission or other form of transfer	27
74.	Publication of assignment, transmission or other form of transfer	27
75.	Registration of licence	27
Miscellaneous		
76.	Communications	28
77.	Form of payment of fees	28
Schedule I (List of Fees)		
		29
Schedule II (List of Forms)		
		33
Schedule III (Country {Or Organization} Codes)		
		35

ADMINISTRATIVE INSTRUCTIONS UNDER THE REGULATIONS FOR IMPLEMENTING THE PROTOCOL ON PATENTS, INDUSTRIAL DESIGNS AND UTILITY MODELS

The Administrative Instructions are established by the Director General of the African Regional Intellectual Property Organization (ARIPO) in accordance with Rule 2 (5) of the Regulations.

PRELIMINARY

Short Title and Date of Operation

1. These Administrative Instructions may be cited as the Administrative Instructions, 1984, and shall come into operation on April 25, 1984.

Interpretation

2. In these Administrative Instructions:
 - (i) “*Protocol*” means the Protocol on Patents, Industrial Designs and Utility Models Within the Framework of the African Regional Intellectual Property Organization (ARIPO);
 - (ii) “*Section*” refers to the specific Section of the Protocol;
 - (iii) “*Regulations*” means the Regulations made under the Protocol;
 - (iv) “*Rule*” refers to the specified Rule of the Regulations;
 - (v) “*Instruction*” refers to the specified Instruction of these Administrative Instructions;
 - (vi) “*ARIPO Office*” means the Office of the African Regional Intellectual Property Organization;
 - (vii) “*Receiving Office*” means the office of the Contracting State with which the application is filed; and
 - (viii) “*Director General*” means the Director General of the ARIPO Office.

Fees

3. The fees to be paid in respect of any matters arising under the Protocol, the Regulations or these Administrative Instructions shall be those specified in the Schedule of Fees annexed to and forming part of the Regulations and in Schedule I to these Administrative Instructions.

Forms

4. (1) The forms referred to in these Administrative Instructions are those set out in Schedule II hereto.
- (2) Copies of the printed forms shall be furnished free of charge by the ARIPO Office and by the industrial property offices of the Contracting States.

REGISTERS

Request for alteration of names and addresses and for correction of errors

5. (1) A request, by the owner of a patent, a registered industrial design, or utility model, for the alteration of a name or address entered in the Patents, Industrial Designs or Utility Model Register in respect of his patent, industrial design or utility model or a request for the correction of an error in the said Registers or in any document filed at the ARIPO Office in connection with a registration shall be made on ARIPO Form No. 1, together with the payment of the prescribed fee.
- (2) Before acting on such a request, the Director General may require such justifications as he thinks fit and, if satisfied, shall alter or correct the relevant Register or document accordingly.

Inspection; copies of extracts

6. (1) The Patents, Industrial Designs and Utility Model Registers or entries or reproduction of entries therein shall be made available for consultation by the public between the hours of 9:00 a.m. and 12:00 a.m. on working days.
- (2) Any person may obtain copies of extracts therefrom or from the files, in accordance with Rule 3, by making a request therefor on ARIPO Form No. 2, together with the payment of the prescribed fee.

ARIPO OFFICE

Hours of business

7. The ARIPO Office shall be open for the transaction of any business, other than that provided for in Instruction 6 (1), between the hours of 9:00 a.m. and 12:00 a.m. and the hours of 2:30 p.m. and 4:00 p.m. on working days.

DOCUMENTS

Directions as to furnishing of documents, etc.

8. At any stage of any proceedings before the ARIPO Office, the Director General may direct that such documents, information or evidence as he may require shall be furnished within such period as he may fix.

Corrections and rectifications

9. Any document filed in any proceedings before the ARIPO Office may, if the Director General thinks fit, be corrected or altered, and any irregularity in procedure in or before the ARIPO Office may be rectified on such terms as he may direct.

Translations

10. (1) Where any document or part of a document which is in a language other than English is filed at the ARIPO Office or sent to the Director General in pursuance of the Protocol, the Regulations or these Administrative Instructions, it shall be accompanied by a translation into English of the document or that part thereof, verified to the satisfaction of the Director General as corresponding to the original text.
(2) Subject to Rule 8 (5), any application, document or part thereof will be deemed not to have been filed until any required translation is also filed.

Publication and sale of documents

11. The Director General may arrange for the printing and sale of copies of descriptions and other documents in the ARIPO Office and of indexes to and abridgements or abstracts of such documents.

Signatures by partnerships, companies and associations

12. (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed on behalf of the partnership, or by any other person who satisfies the Director General that he is authorized to sign the document. A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Director General that he is authorized to sign the document. A document purporting to be signed for or on behalf of an association of persons may be signed by any person who satisfies the Director General that he is duly authorized.
(2) The Director General may, whenever he deems it necessary, request evidence of authorisation to sign.

TIME LIMITS

Alteration of time limits

13. (1) The times or periods prescribed by the Regulations and these Administrative Instructions for doing any act or taking any proceeding thereunder may be extended by the Director General if he thinks fit, upon such terms as he may direct, and such extension may be granted although the time or period for doing such act or taking such proceeding has already expired.
- (2) Where the time for doing anything under the Protocol, the Regulations or these Administrative Instructions expires on a day on which the Office is closed, that time shall be extended to the next following day on which the Office is open for business.
- (3) Where the submission or filing of a document is subject to a time limit, it shall be deemed to be filed or submitted on the date on which it is received by the ARIPO Office. However, where the interested party satisfies the Director General that the document was mailed at least 21 days prior to the expiry of the time limit, the Director General shall extend the time limit accordingly. In proving such mailing, it shall be sufficient to prove that the letter containing such document was properly addressed and sent by registered airmail.

Dispatch by post

14. Any notice or other document sent by post by the ARIPO Office shall be deemed to have been given or made 21 days from the date on which it was sent.

APPLICATION FOR GRANT OF PATENT

Naming of inventor

15. The inventor shall be named as such in the patent, unless, at any time during the pendency of the application, he addresses to the Director General a special written declaration signed by him, indicating that he wishes not to be so named; however, any promise or undertaking by the inventor made to any person to the effect that he will make such a declaration shall be without legal effect.

Request for grant of patent

16. The request for the grant of a patent shall be made on ARIPO Form No. 3.

Applicant's name

17. For purposes of Rule 5 (5) (c), “*family name*” shall mean surname and “*given name(s)*” shall mean first name(s).

Indication of nationality and residence

18. (1) The applicant's nationality shall be indicated by the name of the State of which he is a national; legal entities shall indicate the name of the State under whose laws they are constituted.
- (2) The applicant's residence shall be indicated by the name of the State of which he is a resident.

Power of attorney

19. The appointment of a representative shall be made on ARIPO Form No. 4, to be filed together with the application or with the ARIPO Office, as prescribed in Rule 10; if the appointment is not thus made or if the representative does not have the right to represent applicants before the Receiving Office, any procedural steps other than the filing of the application taken by the representative shall be deemed not to have been taken.

Designation of States

20. The Contracting States for which the grant of the patent is requested shall be designated in the request by their names.

Unity of invention

21. The application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. (In this regard, see also Instruction 22 (5), (6) and (7).)

Claims

22. (1) The description and the drawings may be used to interpret the claims which shall be clear and concise and fully supported by the description.
- (2) Any claim submitted after the filing date of the application and which is not identified with the claims previously appearing in the application shall, at the choice of the applicant, be submitted either as an amended claim or as a new claim.
- (3) The deletion of any claim previously appearing in the application shall be made by indicating the number of the previous claim followed by the word “cancelled”.

- (4) Where the application contains drawings, the technical features mentioned in the claims shall preferably be followed by the reference signs relating to such features. When used, the reference signs shall be placed between parentheses. If inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it should not be made.
- (5) Instruction 21 shall be construed as permitting, in particular, either of the following two possibilities:
 - (i) in addition to an independent claim for a given product, the inclusion in the same application of one independent claim for one process specially adapted for the manufacture of the said product, and the inclusion in the same application of one independent claim for one use of the said product; or
 - (ii) in addition to an independent claim for a given process, the inclusion in the same application of one independent claim for one apparatus or means specifically designed for carrying out the said process.
- (6) Subject to Instruction 21, it shall be permitted to include in the same application two or more independent claims of the same category which cannot readily be covered by a single generic claim.
- (7) Subject to Instruction 21, it shall be permitted to include in the same application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim.

Drawings

23. (1) Drawings shall be required when they are necessary for the understanding of the invention.
- (2) Flow sheets and diagrams are considered drawings.

Abstract

24. (1) The abstract shall merely serve the purpose of technical information; in particular, it shall not be taken into account for the purpose of interpreting the scope of protection.
- (2) The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art.
- (3) The abstract shall consist of the following:
 - (i) a summary of the disclosure as contained in the description, the claims, and any drawings, indicating the technical field to which the invention pertains and drafted in a way which allows the clear understanding of the

technical problem, the gist of the solution of that problem through the invention and the principal use or uses of the invention; and

- (ii) where applicable, the chemical formula which, among all the formulae contained in the application, best characterises the invention.
- (4) The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words).
- (5) The abstract shall not contain statements on the alleged merits or value of the invention or on its speculative application.
- (6) Each main technical feature mentioned in the abstract and illustrated by a drawing in the application shall be followed by a reference sign, placed between parentheses.

Measures, terminology and signs

- 25. (1) Units of weights and measures shall be expressed in terms of the metric system.
- (2) Temperatures shall be expressed in degrees centigrade (Celsius).
- (3) Density shall be expressed in metric units.
- (4) For indications of heat, energy, light, sound, and magnetism, as well as for mathematical formulae and electrical units, the rules of international practice shall be observed; for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.
- (5) In general, only such technical terms, signs and symbols should be used as are generally accepted in the art.
- (6) The terminology and the signs shall be consistent throughout the application.

Number of copies and physical requirements

- 26. (1) Subject to Instruction 29 (2), the application and any accompanying statements or documents to be filed with the Receiving Office shall be filed in four copies and those to be filed with the ARIPO Office shall be filed in three copies, but the Director General may require the applicant to supply additional copies.
- (2) All elements of the application shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset and microfilming.
- (3) Only one side of each sheet contained in the application shall be used.

- (4) All elements of the application shall be on paper which is flexible, strong, white, smooth, non-shiny and durable.
- (5) The size of the sheets shall be A4 (29.7cm x 21cm), although the Director General may accept sheets of other sizes.
- (6) The minimum margins of sheets shall be as follows:
- | | | |
|-------|---|-------|
| (i) | upper margin of each page, except the first page: | 20 mm |
| (ii) | upper margin of the first page: | 30 mm |
| (iii) | side margin adjacent to the binding: | 25 mm |
| (iv) | other side margin: | 20 mm |
| (v) | bottom margin: | 20 mm |
- (7) (a) All sheets shall be numbered at the top of the sheet, in the middle, in consecutive Arabic numerals.
- (b) In effecting the sequential numbering of the sheets, the elements of the application shall be placed in the following order: the request, the description, the claims, the abstract, the drawings.
- (c) The sequential numbering of the sheets shall be effected by using three separate series of numbering, the first series applying to the request only and commencing with the first sheet of the request, the second series commencing with the first sheet of the description and continuing through the claims until the last sheet of the abstract, and the third series being applicable to the sheets of the drawings only and commencing with the first sheet of the drawings.
- (8) The text matter of the application shall be typed; graphic symbols, chemical or mathematical formulae and certain characters, if necessary, may be handwritten or drawn.
- (9) Drawings shall be executed in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes without colourings.

Amendment of application

27. The applicant may amend the application, provided that the amendment shall not go beyond the disclosure in the initial application.

Division of application

28. (1) (a) The applicant may divide the application into two or more applications (the applications derived from the initial application to be referred to as “divisional applications”), provided that each divisional application shall not go beyond the disclosure in the initial application.
- (b) Any divisional application shall contain a reference to the initial application.
- (2) (a) Each divisional application shall be entitled to the filing date and, where appropriate, the priority date of the initial application.
- (b) If the applicant wishes a divisional application to benefit from any priority claimed for the initial application, the divisional application must contain a request to that effect. In such a case, the declaration of priority and the documents furnished in accordance with Rule 8 for the initial application shall be deemed to relate also to the divisional application.
- (c) Where the priorities of two or more earlier applications were claimed for the initial application, a divisional application may benefit only from the priority or priorities that are applicable to it.
- (3) (a) Divisional applications shall be filed directly with the ARIPO Office, together with the payment of the prescribed fees referred to in Rule 11 (1), in US dollars, directly to the ARIPO Office.
- (b) Where the applicant is a national of the Contracting State in which the initial application was filed, the divisional application may be accompanied by an undertaking signed by the applicant that he will effect payment to the respective Receiving Office within a period of 21 days from the date the divisional application is filed with the ARIPO Office; in such a case, the Receiving Office may accept payment of the prescribed fees in local currency equivalent, at the prevailing official rate of exchange, to the said amount of such fees.

Declaration of priority

29. (1) In addition to the information required by Rule 8, the declaration of priority shall indicate the symbol of the International Patent Classification which has been allocated to the earlier application, unless such a symbol has not been allocated to the earlier application or had not yet been allocated at the time of filing the declaration, in which case the applicant shall state this fact in the said declaration and shall communicate such symbol as soon as it has been allocated.
- (2) Unless the Director General requests otherwise, the earlier application and any translation thereof shall be filed in one copy which, when filed with the Receiving Office, shall be transmitted to the ARIPO Office in accordance with Rule 13 (v).

DISTRIBUTION OF FEES

Request by Contracting State for remittance of fees due

30. The request by a Contracting State for remittance of fees under Rule 12 shall be made to the ARIPO Office on ARIPO Form No. 5.

TRANSMITTAL OF APPLICATION

Verification by Receiving Office that application fulfils certain requirements

31. (1) If the Receiving Office finds that the requirements of Rule 11 have not been fulfilled, it shall notify the applicant on ARIPO Form No. 6 and the application shall not be transmitted, pursuant to Rule 13, until the said requirements have been fulfilled; for purposes of Rule 11 (1), fees to which applications are subject shall include both the application fee and the designation fee per country designated.
- (2) If the Receiving Office finds that the application on the face of it does not fulfil the requirements of Rule 5 (1) (a), (b) and (c), as required by Rule 13, or does not comply with Instruction 26 (1), it shall invite the applicant, on ARIPO Form No. 7, to file the required correction, together with the payment of the prescribed fee.
- (3) The applicant shall have two months from the date of the said invitation to comply therewith or to request the Receiving Office nonetheless to transmit all documents making up the application to the ARIPO Office. If the applicant complies with the said invitation, the Receiving Office shall indicate the date of receipt of the required correction on any relevant documents and on ARIPO Form No. 3; if the applicant does not comply with the said invitation but requests the Receiving Office nonetheless to transmit all documents making up the application to the ARIPO Office, the Receiving Office shall do so, indicating this fact on ARIPO Form No. 9; if the applicant does not comply with the said invitation and does not make such a request, the Receiving Office shall treat the application as if it had not been filed.

Allotment of application number by Receiving Office

32. The number referred to in Rule 13 (iii) shall consist of the two-letter country code for the Receiving Office, set out in Schedule III to these Administrative Instructions, a slant, the letters AP, a slant, the letter P, a slant, and the number allotted internally by the Receiving Office.

Acknowledgement by Receiving Office of receipt of application

33. The acknowledgement of receipt of the application referred to in Rule 13 (iv) shall be made on ARIPO Form No. 8.

Transmittal of application to the ARIPO Office

34. (1) The time for transmitting all documents making up the application as required by Rule 13 shall be not more than 14 days from the date on which all such documents were received by the Receiving Office; if the applicant is notified, pursuant to Instruction 31 (1), of non-compliance with Rule 11 (2), then that time shall be not more than seven days from the date on which Rule 11 (2) is complied with; if the applicant was invited to file any corrections pursuant to Instruction 31 (2), then that time shall be not more than 14 days from the date on which any required correction or request for transmittal of documents was received by the said office.
- (2) Subject to Instruction 29 (2), the documents making up the application shall be transmitted (in three copies) under cover of ARIPO Form No. 9; the Receiving Office shall retain one copy of the application and of any accompanying documents filed with it.
- (3) The Receiving Office shall notify the applicant of the said transmittal on ARIPO Form No. 10.

Filing of subsequent documents

35. (1) Any document submitted by the applicant after the transmittal of the application to the ARIPO Office shall be filed directly with the ARIPO Office.
- (2) Instruction 26 (1) shall apply to any such document which forms part of the application.

FILING DATE

Allotment of application number by ARIPO Office and the according and notification of filing date

36. (1) Upon receiving the application, the ARIPO Office shall:
- (i) mark, on each document making up the application, the application number, consisting of the letters AP, slant, the letter P, slant, the last two numbers of the year in which such papers were received, slant, and a five-digit number allotted in sequential order corresponding to the order in which applications are received;
- (ii) confirm that the application, on the face of it, fulfils the requirements of Rule 5 (1) (a), (b) and (c); if it finds that it does, it shall accord the filing date; if it finds that it does not, it shall invite the applicant, on ARIPO Form No. 11, to file the required correction, together with the payment of the prescribed fee.

- (2) The applicant shall have two months from the date of the said invitation to comply therewith. If the applicant complies with the said invitation, the ARIPO Office shall indicate the date of receipt of the required correction on any relevant documents and on ARIPO Form No. 3; otherwise, it shall treat the application as if it had not been filed.
- (3) The notification required by Rule 14 (2) shall be made on ARIPO Form 12.
- (4) The application number allotted under paragraph (1) (i) hereof shall be quoted in all subsequent communications concerning the application.

EXAMINATION AS TO FORMAL REQUIREMENTS

Formal requirements

37. For purposes of the examination as to formal requirements under Rule 15 (1), the ARIPO Office shall also examine whether the application complies with Instructions 16 to 20, 26 and 29; as regards Rules 6, 7 and 8, it shall examine only whether the application contains the items required thereunder and, as regards these latter Rules and Rule 5 (1), whether it complies with the physical requirements with respect thereto.

Invitation to correct application

38. (1) The invitation to correct the application, as provided in Rule 15 (2), shall be made on ARIPO Form No. 11, and the filing of the correction requested shall be subject to the payment of the prescribed fee.
- (2) The late payment of the prescribed fees shall be subject to the payment of the prescribed surcharge.
- (3) Where the designation fees paid are not sufficient to cover all the States designated in the application, the amount paid shall be applied in respect of the States designated in the order in which they are designated and to the extent to which they are covered by the fee paid; the late payment in full of a designation fee shall be subject to the payment of the prescribed surcharge.

Missing drawings

39. Where the application refers to drawings which in fact are not included in the application, the ARIPO Office shall invite the applicant to furnish the missing drawings as provided in Rule 15 (2); if the applicant fails to furnish such drawings as requested, any reference to the said drawings will be treated as non-existent.

Missing abstract

40. For purposes of Rule 15 (2), where no abstract is provided, the ARIPO Office shall invite the applicant to correct the deficiency either by providing an abstract or by paying the prescribed fee for the preparation of the abstract by the ARIPO Office itself.

Notification of compliance with formal requirements

41. The notification that the application complies with the prescribed formal requirements, as required by Section 3 (2) (c), shall be made on ARIPO Form No. 13, to the industrial property office of each Designated State and to the applicant.

Decision refusing application on grounds of non-compliance with formal requirements

42. (1) Any decision refusing the application on grounds of non-compliance with the prescribed formal requirements shall be in writing and shall state the reasons for the rejection.
- (2) The ARIPO Office shall notify the applicant of such a decision on ARIPO Form No. 14.

Request to reconsider decision refusing application on grounds of non-compliance with formal requirements

43. (1) The request that the ARIPO Office reconsider its decision, as provided in Rule 15 (3), shall be made on ARIPO Form No. 15.
- (2) If the applicant does not request the ARIPO Office to reconsider its decision or if the ARIPO Office refuses the application, notwithstanding such a request, it shall forthwith notify that fact, on ARIPO Form No. 14, to the Receiving Office, to the industrial property office of each Designated State notified pursuant to Rule 14 (2), and to the applicant.

Refusal of application not affecting filing date

44. Refusal of the application under Section 3 (2) (b) shall not affect its filing date which shall remain valid.

**INFORMATION CONCERNING CORRESPONDING FOREIGN APPLICATIONS,
PATENTS OR OTHER TITLES OF PROTECTION**

Request for information

45. The request for information under Rule 16 shall be made on ARIPO Form No. 16.

Time for furnishing information

46. (1) The time limits to be specified for furnishing the information requested under Rule 16 shall not be less than two nor more than six months from the date such a request is made; upon a reasoned request by the applicant, the ARIPO Office may extend such time limit.
- (2) If the applicant replies that the requested documents are not yet available, the ARIPO Office may suspend the procedure for the examination of the application until such time as the documents are furnished.

WITHDRAWAL OF APPLICATION**Declaration of withdrawal**

47. (1) The written declaration of withdrawal under Rule 17 shall be made on ARIPO Form No. 17, signed by the applicant or by all applicants if there are more than one.
- (2) Upon receipt of ARIPO Form No. 17, the ARIPO Office shall transmit a copy thereof to the Receiving Office and to the industrial property office of each Designated State.
- (3) The application fees shall not be refunded if the application is withdrawn.

EXAMINATION AS TO SUBSTANCE**Examining authority**

48. The authority referred to in Rule 18 (1) shall be any authority which has concluded an agreement to this effect with ARIPO.

Search and examination report

49. (1) In order to establish the search and examination report referred to in Rule 18 (2), the examiner shall first conduct such search as in his opinion is reasonably practicable and necessary for him to identify the documents which he thinks will be needed to decide whether the invention for which a patent is sought is new and involves an inventive step.

- (2) On any such search, the examiner shall determine whether or not the search would serve any useful purpose with respect to the application as it is for the time being constituted, and
 - (a) if he determines that it would serve such a purpose in relation to the whole or part of the application, he shall proceed to conduct the search so far as it would serve such a purpose and shall report on the results of the search; and
 - (b) if he determines that the search would not serve such a purpose in relation to the whole or part of the application, he shall report accordingly.
- (3) Once a report is drawn up in accordance with paragraph (2), the examiner shall ascertain, to such extent as he considers necessary in view of any search carried out, whether the application complies with the requirements of the Protocol, the Regulations and the Administrative Instructions, in particular Section 3 (10), Rules 5 (1) (d) (i.e., whether any drawing which is necessary for the understanding of the claimed invention has been furnished), 6, 7 and 16, and Instructions 21, 22, 23, 25, 27, 28 and 46, and shall determine that question and report his determination with the conclusions of the examination.

Completion of examination as to substance and invitation to submit observations and amend application

50. (1) For purposes of Rule 18 (3), reference to Section 3 (3) shall include the Regulations and Administrative Instructions pertaining thereto, in particular those indicated in Instruction 49 (3), and submission of an “amended application” shall be understood to include a division of an application in accordance with Instruction 28.
- (2) The notification and invitation under Rule 18 (3) shall be made on ARIPO Form No. 18 and shall be accompanied by a copy of the search and examination report.
- (3) The ARIPO Office shall allow the applicant not less than two and not more than six months to submit observations and amend the application pursuant to Rule 18 (3).
- (4) The request that the ARIPO Office reconsider the matter, as provided in Rule 18 (3), shall be made on ARIPO Form No. 19.

Refusal to grant patent

51. (1) Where the applicant fails to respond to the invitation to submit observations and any amendments in accordance with Rule 18 (3) or where, despite the observations and any amendment submitted by the applicant, the ARIPO Office finds that the conditions referred to in Section 3 (3), Rule 18 (3) and Instruction

49 (3) are not fulfilled, it shall refuse to grant the patent by notifying the applicant on ARIPO Form No. 20, stating the reasons for the refusal.

- (2) Where two or more applications for grant of patent for the same invention, having the same filing or, where applicable, priority date, are filed by the same applicant, the ARIPO Office may on that ground refuse to grant a patent in pursuance of more than one of the applications and shall notify the applicant accordingly on ARIPO Form No. 20.
- (3) The request that the ARIPO Office reconsider its decision to refuse to grant the patent on grounds of non-compliance with substantive requirements, as provided in Section 3 (4), shall be made on ARIPO Form No. 19, within two months from the date of the notification of the refusal.
- (4) If the applicant does not request the ARIPO Office to reconsider its decision or if the ARIPO Office refuses to grant the patent, notwithstanding such a request, it shall forthwith notify that fact, on ARIPO Form No. 20, to the Receiving Office, to the industrial property office of each Designated State notified pursuant to Section 3 (2) (c), and to the applicant.

Decision and notification to grant patent

52. (1) The notification of the decision to grant the patent referred to in Section 3 (5) and Rule 18 (4) shall be made on ARIPO Form No. 21. A copy of the application shall accompany ARIPO Form No. 21 when transmitted to the industrial property offices of Designated States.
- (2) The time for paying the grant and publication fee shall be not less than two and not more than three months from the date of the notification of the decision to grant the patent.

Communication by Designated State that patent shall have no effect in its territory

53. The communication referred to in Section 3 (6) and Rule 18 (5) shall be made on ARIPO Form No. 22.

CONVERSION INTO NATIONAL APPLICATION

Request for conversion into national application

54. (1) The request under Section 3 (8) and Rule 19 (1) shall be made on ARIPO Form No. 23 in the number of copies which shall be one plus the number of Designated States in which the application is requested to be treated as an application according to national law.
- (2) The ARIPO Office shall transmit, under cover of ARIPO Form No. 24, the copies of the application and all relevant documents, including a copy of the ARIPO Form No. 23 filed by the applicant, to the industrial property office of each Designated State specified by the applicant in the latter Form, as provided in Rule 19 (2). A copy of one of the ARIPO Form No. 24 thus transmitted shall also be sent to the applicant, without the accompanying documents.

GRANT, RECORDAL AND PUBLICATION OF PATENT

Contents and numbering of patent

55. (1) The patent shall contain the information indicated in Rule 20 (2), in addition to the number of the application with respect to which the patent was granted, the date of publication of the ARIPO patent, the documents or references cited of the prior art, the description, the claims and any drawings.
- (2) The patent shall be granted on ARIPO Form No. 25.
- (3) The ARIPO Office shall allot to each patent it grants a number (i.e., publication number of the patent) in the sequential order of grant.

Name of inventor

56. The name and address of the inventor shall be included in the patent and in the publication of a reference to its grant, except where the inventor, pursuant to Instruction 15, has asked not to be so named.

Certificate of Grant

57. The Certificate of Grant shall be issued on ARIPO Form No. 26.

PAYMENT OF ANNUAL MAINTENANCE FEES

Reminder of payment due

58. The reminder under Rule 21 (3) shall be made on ARIPO Form No. 27; the fact that the said reminder has not been issued or received shall not be invoked for purposes of Rule 21 (5).

Receipt of payment

59. The ARIPO Office shall furnish or send to the applicant or the patent owner a receipt of payment of the prescribed annual maintenance fee within two weeks from the date payment is received.

APPLICATION AND PROCEDURE FOR REGISTRATION OF INDUSTRIAL DESIGN

Request for registration

60. The request for registration of an industrial design shall be made on ARIPO Form No. 28.

Number and size of reproduction

61. (1) The application shall be accompanied by the following:
- (a) if the industrial design is two-dimensional, by a graphic reproduction which may be in the form of a drawing or tracing;
 - (b) if the industrial design is three-dimensional, by a graphic reproduction, which may be in the form of a drawing or tracing, of each of the different sides of the industrial design.
- (2) The Director General may require the applicant to supply additional reproductions.
- (3) No graphic reproduction, drawing or tracing of the industrial design shall exceed 10 centimetres x 20 centimetres. Such reproductions, drawings or tracings, shall be mounted on strong white paper of A4 size, although the Director General may accept paper of other sizes. Graphic reproductions may be in colour. Drawings and tracings shall be in black ink.

Application of provisions relating to patent applications

62. Instructions 15, 17, 18, 19, 20, 25 (1) (5) and (6), 26 and 29 (2) shall apply, *mutatis Mutandis*, to applications for registration of industrial designs.

Transmittal of application

63. Rule 13 and Instructions 31 to 35 shall apply, *mutatis mutandis*, to the transmittal of an application for the registration of an industrial design, except that in the case of an industrial design the Receiving Office shall verify that the application on the face of it fulfils the requirements of Section 4 (1) (i) and (ii), the invitation to file the required correction shall be made on ARIPO Form No. 29, the letter “P” in the number to be marked on each document making up the application shall be replaced by the letter “D”, the documents making up the application shall be transmitted under cover of ARIPO Form No. 30, and the Receiving Office shall notify the applicant of the said transmittal on ARIPO Form No. 31.

Allotment of application number

64. Instruction 36 (1) (i) shall apply, *mutatis mutandis*, to the allotment of an application number by the ARIPO Office to an application for the registration of an industrial design, except that the letter “P” shall be replaced by the letter “D”.

Filing date

65. Rule 14 and Instruction 36 shall apply, *mutatis mutandis*, to the according of a filing date to an application for the registration of an industrial design, except that, for such purposes, the application on the face of it must fulfil the requirements of Section 4 (1) (i) and (ii), the invitation to file the required correction shall be made on ARIPO Form No. 32, and the notification to the applicant and the industrial property office of each Designated State shall be made on ARIPO Form No. 33.

Examination as to formal requirements

66. (1) Rule 15 (1) and (2) and Instruction 38 shall apply, *mutatis mutandis*, to the examination of an application for the registration of an industrial design, except that, for such purposes, the ARIPO Office shall examine whether the application is in compliance with Section 4 (1), Rules 5 (2) to (5) (except paragraph (4) (a) (i) and (iii), 8, 9, 10 and 11, to the extent relevant, and Instructions 60 to 62 and the invitation to correct the application shall be made on ARIPO Form No. 32.
- (2) The notification that the application complies with the prescribed formal requirements shall be made to the industrial property office of each Designated State and to the applicant on ARIPO Form No. 34, requesting the applicant to make payment of the registration and publication fee within the period it shall specify, which shall be not less than two and not more than three months from the date of the said notification. A copy of the application shall accompany ARIPO Form No. 34 when transmitted to the industrial property offices of Designated States.
- (3) Instruction 42 shall apply, *mutatis mutandis*, in the event the application is refused under Section 4 (2) (b), except that the notification of refusal shall be made, on ARIPO Form No. 35, to the applicant, to the Receiving Office and to

the industrial property office of each Designated State notified pursuant to Instruction 65.

- (4) Instruction 44 shall apply, *mutatis mutandis*, in the event an application is refused under Section 3 (2) (b) by the ARIPO Office to an application for the registration of an industrial design.

Withdrawal of application

67. Rule 17 and Instruction 47 shall apply, *mutatis mutandis*, to the withdrawal of an application for the registration of an industrial design, except that the declaration of withdrawal shall be made on ARIPO Form No. 36.

Communication that registration shall have no effect in territory of Designated State

68. The communication referred to in Section 4 (3) shall be made on ARIPO Form No. 37.

Request for conversion of application into national application

69. Rule 19 and Instruction 54 shall apply, *mutatis mutandis*, to the request for conversion of an application for the registration of an industrial design into a national application, except that the request under Section 4 (5) shall be made on ARIPO Form No. 38.

Registration and publication

70. (1) After the expiration of the period of six months provided for in Section 4 (3) and subject to the payment of the registration and publication fee, the ARIPO Office shall, in accordance with Section 4 (4):
- (i) record in the Industrial Designs Register the reproduction of the industrial design, together with the particulars indicated in paragraph (2);
 - (ii) publish in the ARIPO Journal a reference to the registration;
 - (iii) issue to the applicant a Certificate of Registration of the industrial design;
 - (iv) transmit to each Designated State for which the industrial design is registered a copy of the Certificate of Registration.
- (2) In addition to the indications specified in Rule 20 (2) (a) to (h), which shall apply, *mutatis mutandis*, the publication of the reference to the registration in the ARIPO Journal shall include the reproduction of the industrial design and the Contracting States for which the industrial design is registered.
- (3) In addition and subject to paragraph (4) hereof, Rule 20 (3) shall apply, *mutatis mutandis*, as regards the contents of the Certificate of Registration which shall be

issued on ARIPO Form No. 39 and shall be accompanied by a copy of the reproduction of the industrial design.

- (4) The name and address of the creator shall be included in the Certificate of Registration, except where the creator, pursuant to Instruction 15, *mutatis mutandis*, has asked not to be so named.

Fees

71. Rule 21 and Instructions 58 and 59 shall apply, *mutatis mutandis*, to industrial designs.

LICENCES, ASSIGNMENTS, TRANSMISSIONS AND OTHER SIMILAR RIGHTS

Notification by Designated State of registration of licence, assignment, transmission or other similar rights

72. Notification under Rule 22 (3) shall be made on ARIPO Form No. 40.

Registration of assignment, transmission or other form of transfer

73. (1) Application under Rule 22 (5) to register an assignment, transmission or other form of transfer pertaining to a patent or an industrial design, granted, registered or applied for under the Protocol, shall be made on ARIPO Form No. 41, together with the payment of the prescribed fee, by the person becoming entitled by assignment, transmission or other form of transfer to the patent, the application for grant of the patent, the registered industrial design or the application for the registration of the industrial design (i.e., the new applicant or owner); it shall be signed, in the case of an assignment, by or on behalf of the parties to the transfer and, in the case of a transmission, only by or on behalf of the new applicant or owner.
- (2) Such application shall be accompanied by documents proving, to the satisfaction of the ARIPO Office, the change of ownership.

Publication of assignment, transmission or other form of transfer

74. The ARIPO Office shall publish, in the ARIPO Journal, a reference to the registration, made under Rule 22 (4) and (5), of the assignment, transmission or other form of transfer in respect of a patent granted or a registered industrial design.

Registration of licence

75. Application under Rule 22 (5) to register a licence or other similar right pertaining to a patent or an industrial design, granted, registered or applied for under the Protocol, shall be made by the licensor on ARIPO Form No. 42, together with the payment of the

prescribed fee and documents evidencing the licence or other similar rights, and shall be signed by or on behalf of the licensor.

MISCELLANEOUS

Communications

76. Subject to Rule (22) (1), any communications by or with the ARIPO Office in relation to any matters arising under the Protocol, the Regulations or these Administrative Instructions shall be effected by registered airmail or by person delivery.

Form of payment of fees

77. Rule 11 shall apply, *mutatis mutandis*, to the form of payment of any fees due under the Protocol, the Regulations or these Administrative Instructions.

[Schedules I, II and III follow]

SCHEDULE I: LIST OF FEES

PATENTS

Kind of Fees	Amount (US Dollars or, where Rule 11 (3)(a) applies, the equivalent)
1. Application fee	250
2. Designation fee per country designated	75
3. Examination Report fee ¹	250
4. Search Report fee ¹	250
5. Publication fee	300
6. Surcharge for each additional page after 30 pages	15
7. Surcharge for each additional claim after 10 claims	40
8. Grant fee	300
9. Annual maintenance fee in respect of each designated State	
1st anniversary (2 nd year from filing date)	40
2 nd anniversary	60
3 rd anniversary	80
4 th anniversary	100
5 th anniversary	120
6 th anniversary	140
7 th anniversary	160
8 th anniversary	180
9 th anniversary	200
10 th anniversary	220
11 th anniversary	240
12 th anniversary	260
13 th anniversary	280
14 th anniversary	300
15 th anniversary	320

For each year thereafter an additional US \$50 per designated country

10.	Surcharge for late payment of annual maintenance fee	100
	and for every month or fraction thereof that the fee remains unpaid	50
11.	Correction of errors:	
	the first error	50
	any additional error	20
12.	Consultation of Registers	10
13.	Request for copies of extracts from Register or from files: per page	5
14.	Certified copy of ARIPO patent application or granted patent, plus 5 per page of the certified copy	100
15.	Transmittal fees for an international application filed with the ARIPO Office as the Receiving Office under the Patent Cooperation Treaty (PCT)	50
16.	Preparation of abstract	100
17.	Conversion to a national patent application	100
18.	Conversion to an ARIPO utility model application	100
19.	Registration of assignments, transmissions, alteration of registered particulars, etc.	100
20.	Request for any extension	50

¹ Must be paid if the application has no corresponding substantive search or examination report.

UTILITY MODELS

Kind of Fees	Amount (US Dollars or, where Rule 11 (3)(a) applies, the equivalent)
1. Application fee	100
2. Designation fee (per country)	20
3. Registration and Publication fee	50
4. Maintenance fees (per Designated State):	
1 st year	20
2 nd year	25
3 rd year	30
4 th year	35
5 th year	40
6 th year	45
7 th year	50
For each year thereafter	10
5. Surcharge for late payment of annual maintenance fees	30
For every month or fraction thereof that the fees remain unpaid	5
6. Certified copy per page	2
and for every page in excess of 10 pages	1
7. Consultation of Register	2
and for every page in excess of 10 pages	1
8. Correction of errors:	
the first error	20
any additional errors	2.50
9. Certified copy of an entry of the Register	20
10. Conversion to national application	50
11. Registration of assignments, transmissions, alteration of registered particulars	30
US \$1 for every page in excess of 10 pages	

INDUSTRIAL DESIGNS

Kind of Fees	Amount (US Dollars or, where Rule 11 (3)(a) applies, the equivalent)
1. Application fee	50
2. Designation fee per country designated	10
3. Registration and publication fee	75
4. Annual maintenance fee in respect of each designated State	
1 st anniversary	10
2 nd anniversary	12
3 rd anniversary	14
4 th anniversary	16
5 th anniversary	18
6 th anniversary	20
7 th anniversary	24
8 th anniversary	28
9 th anniversary	32
10 th anniversary	36
5. Surcharge for late payment of annual maintenance fees:	15
For every month or fraction thereof that the fees remain unpaid	2
6. Certified copy per page	2
and for every page in excess of 10 pages	1
7. Consultation of the Register:	2
and for every page in excess of 10 pages	1
8. Correction of errors:	
the first error	10
any additional errors	2.50
9. Certified copy of an entry of the Register	10
10. Conversion to national application	50
11. Registration of assignments, transmissions, alteration of registered particulars, etc.	20
US \$1 for every page in excess of 10 pages	

SCHEDULE II: LIST OF FORMS

Form No.	Title
1	Request for alteration of name or address or for correction of error
2	Request for copies of extracts from register or from files
3	Request for grant of patent, registration of industrial design or utility model
4	Appointment of representative (power of attorney)
5	Request by contracting state for remittance of fees
6	Notification by receiving office of non-compliance with application fee payment requirements
7	Invitation by receiving office to correct application
8	Acknowledgement by receiving office of receipt of application
9	Transmittal by receiving office to ARIPO Office of application
10	Notification by receiving office of transmittal of application
11	Invitation by ARIPO Office to correct application
12	Notification of filing date
13	Notification of compliance with formal requirements
14	Notification of decision refusing application on grounds of non-compliance with formal requirements
15	Request to reconsider decision refusing application on grounds of non-compliance with formal requirements
16	Request by ARIPO Office for information concerning corresponding foreign applications, patents or other titles of protection
17	Declaration of withdrawal of application
18	Notification of non-compliance with substantive requirements and invitation to submit observations and/or amended application
19	Request to reconsider decision that substantive requirements have not been complied with
20	Notification of decision refusing to grant or registration
21	Notification of decision to grant or register
22	Communication by designated state that patent or utility model shall have no effect in its territory

- 23 Request for conversion of application into national application
- 24 Transmittal by ARIPO Office of application and documents to designated state upon request for conversion into national application
- 25 ARIPO patent
- 26 Certificate of grant of patent
- 27 Reminder to pay annual maintenance fee due
- 28 Request for registration of industrial design
- 29 Invitation by receiving office to correct application for registration of industrial design
- 30 Transmittal by receiving office to ARIPO Office of application for registration of industrial design
- 31 Notification by receiving office of transmittal of application for registration of industrial design
- 32 Invitation by ARIPO Office to correct application for registration of industrial design
- 33 Notification of filing date of application for registration of industrial design
- 34 Notification that application for registration of industrial design complies with formal requirements
- 35 Notification of decision refusing application for registration of industrial design on grounds of non-compliance with formal requirements
- 36 Declaration of withdrawal of application for registration of industrial design
- 37 Communication by designated state that registration of industrial design shall have no effect in its territory
- 38 Request for conversion of application for registration of industrial design into national application
- 39 Certificate of registration of industrial design
- 40 Notification by designated state of registration of licence, assignment, transmission or other similar right pertaining to patent or industrial design, granted, registered or applied for under Protocol
- 41 Application to register assignment, transmission or other form of transfer
- 42 Application to register licence or other similar right

SCHEDULE III: COUNTRY (OR ORGANIZATION) CODES

Country/Organization	Code
African Regional Intellectual Property Organization (ARIPO)	AP
Botswana	BW
The Gambia	GM
Kenya	KE
Lesotho	LS
Malawi	MW
Mozambique	MZ
Namibia	NA
Sudan	SD

Country/Organization	Code
Sierra Leone	SL
Somalia	SO
Swaziland	SZ
Tanzania	TZ
Uganda	UG
Zambia	ZM
Zimbabwe	ZW
Swaziland	SZ
Tanzania	TZ