

**OFFICE OF THE
AFRICAN REGIONAL INTELLECTUAL
PROPERTY ORGANIZATION (ARIPO)
AS
DESIGNATED (OR ELECTED) OFFICE**

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List of abbreviations:

Office: ARIPO Office

HP: Protocol on Patents and Industrial Designs within the Framework of the African Regional Intellectual Property Organization (ARIPO) (Harare Protocol)

HR: Regulations for Implementing the Harare Protocol

HAI: Administrative Instructions under the Regulations for Implementing the Harare Protocol

SUMMARY**Designated
(or elected) Office****SUMMARY****AP****AFRICAN REGIONAL INTELLECTUAL
PROPERTY ORGANIZATION (ARIPO)****AP****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: ¹	English
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, as amended only), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	Yes
National fee:	Currency: US dollar (USD) For patent: Filing fee: ² USD 250 Designation fee: USD 75 per country Annual fee for the first year: ³ USD 40 Annual fee for the second year: ³ USD 60 Annual fee for the third year: ³ USD 80 For utility model: Filing fee: USD 100 Designation fee: USD 20 per country Maintenance fee for the first year: USD 20 Maintenance fee for the second year: USD 25 Maintenance fee for the third year: USD 30
Exemptions, reductions or refunds of the national fee:	No search or examination fee is payable if an international search report or preliminary examination report has been established for the international application.

[Continued on next page]

¹ Must be furnished within the time limit applicable under PCT Article 22 or 39(1).² Must be paid within 21 days from the expiration of the time limit applicable under PCT Article 22 or 39(1).³ The Office should be consulted for the time limit applicable for the payment of this fee.

SUMMARY**Designated
(or elected) Office****SUMMARY****AP****AFRICAN REGIONAL INTELLECTUAL
PROPERTY ORGANIZATION (ARIPO)****AP***[Continued]*Special requirements of the Office
(PCT Rule 51*bis*):⁴Appointment of an agent if the applicant is not resident in an
ARIPO Contracting StateAssignment deed of the priority right where the applicants are not
identical⁵

Who can act as agent?

Any agent authorized to represent applicants before the national
office of an ARIPO Contracting StateDoes the Office accept requests for
restoration of the right of priority
(PCT Rule 49*ter.2*)?Yes, please refer to the Office for the applicable criteria and/or any
fee payable for such requests

⁴ If not complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

⁵ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

THE PROCEDURE IN THE NATIONAL PHASE

- AP.01 **TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).
- HR 11
21
23(2)(b) AP.02 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and this Chapter is outlined in Annex AP.I.
- HP Art. 3(3)
HR 18
HAI 48-50 AP.03 **EXAMINATION.** The Office will examine or arrange the examination of patent applications as to substance. No request is necessary and no special fee is required if a corresponding examination report is lodged.
- HP Art. 23(2)(c)
HR 10(2)
HAI 19 AP.04 **POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney if the applicant is not a resident in a State member of ARIPO. A model is given in Annex AP.II. If the power of attorney is not filed at the time of entry into the national phase, it may be filed within two months from the expiration of that time limit.
- PCT Art. 28
41
HAI 27 AP.05 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may amend or correct the claims, description and drawings in the international application provided that the scope of the subject matter of the application is not broadened thereby.
- HR 18(3)
HAI 27
50 AP.06 Where, after taking due account of the international search and international preliminary examination reports, the Office concludes that the application does not comply with the criteria for patentability, it will notify the applicant accordingly and invite him to submit his observations and, where needed, amendments to the application together with a request that the matter be reconsidered. The Office will allow not less than two and not more than six months for the submission of the observations and amendments.
- HP Art. 3(8)
HR 19
HAI 54 AP.07 **CONVERSION INTO NATIONAL APPLICATION.** If notwithstanding the request for reconsideration referred to in paragraph AP.06, the Office refuses the application, the applicant may, within three months from the date of the refusal of the request for reconsideration, request that his application be treated, in any designated member State, as an application according to the national law of that State. The request must specify the designated States in which the procedure for the grant of a national patent is desired, and must be submitted in the number of copies which should correspond to the number of the designated States specified, plus one copy for the Office. Within two weeks of receiving the request, the Office will transmit copies of the application and all relevant documents to the national Offices of the designated States specified by the applicant. The request for the conversion of an ARIPO application to a national application is subject to the payment of a fee indicated in Annex AP.I.
- HP Art. 3(10)
3bis.(6)(ii)
HR 21
23(2)(b)
HAI 58
59 AP.08 **ANNUAL FEES.** Annual fees are due on the eve of each anniversary of the international filing date. The Office will issue a reminder to the applicant concerning payment of the annual fee at least one month prior to the date on which the annual fee is due. Subject to the payment of a surcharge (for the amount, see Annex AP.I), annual fees may be paid up to six months after the date. Any annual fee which falls due during the international phase need not be paid until the expiration of the applicable time limit for the entry into the national phase.

- HR 23(2)(b)
HAI 38(3)
- AP.09 ARIPO DESIGNATION FEES.** The applicant must pay one ARIPO designation fee (indicated in Annex AP.I.) for each State designated in the international application for an ARIPO patent for which he, at the time the payment is made, continues to seek ARIPO patent protection. Where the ARIPO designation fees are not paid for all the States designated for an ARIPO patent, the applicant must indicate the States to which the designation fees are to be applied. Where the amount of designation fees paid is 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 surcharge indicated in Annex AP.I.
- PCT Art. 25
PCT Rule 51
HP Sec. 3(4)
- AP.10 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged with the Office.
- PCT Art. 24(2)
48(2)
PCT Rule 82*bis*
HAI 13
- AP.11 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase. At the Director General's discretion, the applicant may be given an extension of any time limit prescribed by the Regulations and the Administrative Instructions. Such extension may be granted even if the time limit has already expired.
- PCT Rule 49*bis*.1
(a), (b)
76.5
- AP.12 UTILITY MODEL.** If the applicant wishes to obtain a utility model registration in ARIPO on the basis of an international application
- (i) instead of a patent, or
(ii) in addition to a patent,
- for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.
- AP.13** If the international application is for a utility model instead of a patent, the requirements are basically the same as for patents. However, the time limit applicable for entry into the national phase is 33 months under PCT Article 22 or 39(1) and the term of protection of utility models is 10 years from the international filing date.
- AP.14** If the international application is for both a utility model and a patent, the applicant must, within the time limit applicable for entry into the national phase, comply with the following requirements :
- (i) pay two filing fees for both the patent and the utility model within 21 days from entry into the national phase;
- (ii) where the international application was not filed in English, furnish a translation into English in two copies, including the description and at least one claim.
- AP.15 CONVERSION.** An international application for a patent may be converted into a utility model application and vice-versa. Conversion from a patent application into a utility model application must be undertaken within 60 days from date of entry into the national phase. However, the applicant can still apply to the Director General of ARIPO if the 60 days time limit has expired for the conversion as long as the patent application has not yet been examined as to substance. A fee for requesting conversion is due (see Annex AP.I).

FEES**(Currency: US dollar)****Patents**

National fee, comprising:	
— basic fee (application fee)	250
— designation fee for each ARIPO Contracting State designated	75
Search fee (only where no international search report is submitted)	250
Examination fee (only where no international preliminary examination report is submitted)	250
Publication fee	300
— Surcharge for each additional page in excess of 30	15
— Surcharge for each additional claim in excess of 10.	40
Grant fee	300
Fee for certified copy of ARIPO patent application or granted patent	100
— in addition, per page	5
Fee for registration of assignments, transmissions, amendments, etc	100
Fee for conversion of an ARIPO application into a national application	100
Fee for conversion of an ARIPO patent application to an ARIPO utility model application	100
Annual fees in respect of each designated State (payable on each anniversary of the international filing date):	
— for the 1 st anniversary	40
— for the 2 nd anniversary	60
— for the 3 rd anniversary	80
— for the 4 th anniversary	100
— for the 5 th anniversary	120
— for the 6 th anniversary	140
— for the 7 th anniversary	160
— for the 8 th anniversary	180
— for the 9 th anniversary	200
— for the 10 th anniversary	220
— for the 11 th anniversary	240
— for the 12 th anniversary	260
— for the 13 th anniversary	280
— for the 14 th anniversary	300
— for the 15 th anniversary	320
— for the 16 th anniversary	370
— for the 17 th anniversary	420
— for the 18 th anniversary	470
— for the 19 th anniversary	520
— for the 20 th anniversary	570
Surcharge for late payment of annual fees	100
— and for every month or fraction thereof that the fee remains unpaid.	50
Correction of errors:	
— the first error	50
— any additional error	20

Consultation of Registers	10
Request for copies of extracts from Register or from files, per page	5
Preparation of abstract	100
Request for any extension	50

Utility models

National fee, comprising:	
— basic fee (application fee)	100
— designation fee for each ARIPO member State designated	20
Registration and publication fee	50
Fee for certified copy of ARIPO utility model application, per page	2
— and for every page in excess of 10	1
Fee for registration of assignments, transmissions, amendments, etc	30
— and for every page in excess of 10	1
Fee for requesting conversion of an ARIPO application into a national application	50
Maintenance fees in respect of each designated State:	
— for the 1 st year	20
— for the 2 nd year	25
— for the 3 rd year	30
— for the 4 th year	35
— for the 5 th year	40
— for the 6 th year	45
— for the 7 th year	50
— for the 8 th year to the 10 th year, per year	10
Surcharge for late payment of maintenance fees	30
— and for every month or fraction thereof that the fee remains unpaid	5

How can payment of fees be effected?

The payment of fees to ARIPO must be effected in US dollars. All payments must give the application number (national if already known; international if the national number is not yet known). Payment of fees may be made by bank check or telegraphic transfer.

