

**AFRICAN INTELLECTUAL
PROPERTY ORGANIZATION
(OAPI)
AS
DESIGNATED (OR ELECTED) OFFICE**

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List of abbreviations:

- BA: Agreement Relating to the Creation of an African Intellectual Property Organization, Constituting a Revision of the Agreement Relating to the Creation of an African and Malagasy Office of Industrial Property (Bangui, March 2, 1977)
- BA I: Annex I, Patents, to the said Agreement
- BA II: Annex II, Utility Models, to the said Agreement
- AI: Administrative Instructions under the said Agreement
- RR: Regulations Relating to the Restoration of Rights of July 1970
- RHCA: Regulations Relating to the Organization and Functioning of the High Commission of Appeals

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

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: ¹	English or French
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under PCT Article 19), 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?	No
National fee:	Currency: CFA franc BEAC (XAF)
	<i>Patent</i> <i>Utility Model</i>
Filing fee: ¹	XAF 225,000 XAF 20,000
Fee for priority claims, per priority: ²	XAF 63,000 XAF 25,000
Publication fee: ²	XAF 365,000 XAF 30,000
Claim fee for each claim in excess of 10: ²	XAF 45,000 XAF 40,000
Fee for acceptance of description and drawings: ²	
– for 11 to 20 sheets	XAF 120,000 None
– for 21 to 30 sheets	XAF 300,000 None
– for 31 to 40 sheets	XAF 600,000 None
– after 40 for each set of 10 sheets	XAF 80,000 None
Annual fee for the second year: ³	XAF 220,000 XAF 20,000
Annual fee for the third year: ³	XAF 220,000 XAF 35,000

[Continued on next page]

¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).² Due within six months from the time limit applicable under PCT Article 22 or 39(1).³ Due to the new time limit applicable under PCT Article 22, the Office should be consulted for the time limit applicable for the payment of this fee.

SUMMARY**Designated
(or elected) Office****SUMMARY****OA****AFRICAN INTELLECTUAL PROPERTY
ORGANIZATION (OAPI)****OA***[Continued]*

Exemptions, reductions or refunds of the national fee:

None

Special requirements of the Office (PCT Rule 51*bis*):⁴Name and address of the inventor if they have not been furnished in the "Request" part of the international application⁵

Appointment of an agent if the applicant is not resident in a member State of OAPI

Translation of priority document into English or French⁶Instrument of assignment of the priority application where the applicants are not identical⁵

Who can act as agent?

Any patent attorney or attorney-at-law registered to practice before OAPI

Does 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 The list of special requirements is still subject to confirmation by the Office.⁵ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.⁶ If the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

THE PROCEDURE IN THE NATIONAL PHASE

OA.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).

OA.02 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex OA.I.

BA I Art. 11(c)
AI Sec. 108

OA.03 **POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney. A model is given in Annex OA.II.

BA I Art. 35
36

OA.04 **ANNUAL FEES.** Annual fees must be paid for each year following the first anniversary of the international filing date. For the due dates of the annual fees for the second and the third years, see the Summary. Payment of the annual fees for the subsequent years must be made in advance before each anniversary of the international filing date. Payment can then be made, together with a supplement for late payment, within six months after the due date. For the amounts, see Annex OA.I.

PCT Art. 28
41

OA.05 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may amend the description, claims and drawings of the application, provided that the subject matter of the application is not broadened thereby, until the later of the following two events:

- (i) the expiration of six months from the time limit applicable under PCT Article 22 or 39(1),
- (ii) the final decision of OAPI to grant a patent.

The amendments must be made by means of replacement sheets and are subject to the payment of a fee whose amount is given in Annex OA.I.

PCT Art. 25
PCT Rule 51
BA Art. 16
RHCA Art. 8

OA.06 **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, OAPI denies an error or an omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged within one month from the notification of the decision. A fee for appeal (see Annex OA.I) must be paid at the same time. The High Commission of Appeal of OAPI will then decide on the appeal.

PCT Art. 24(2)
48(2)
BA Art. 16
RHCA Art. 9
RR Art. 2

OA.07 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Where the applicant, in spite of all due care required by the circumstances having been taken, was unable to meet the time limits for entry into the national phase under PCT Article 22 or 39, he may file a request for restoration of his rights. Likewise, if he was not able to meet the time limit for payment of an annual fee for causes beyond his control, he may file a request for restoration of his rights at the latest 24 months after the expiration of the time limit.

PCT Art. 4(3)
43
BA I Art. 8
BA II Art. 5(2)
13(4)

OA.08 **UTILITY MODEL.** Subject to what is said in paragraph OA.11, if the applicant wishes to obtain a utility model instead of a patent, on the basis of an international application, it must be indicated in the international application (in Box No. V of the request) when filed.

BA II Art. 14

OA.09 The requirements for the national phase are basically the same as for patents, except that the fees for utility models must be paid and that no annual fees are payable for a utility model.

OA.10 Where, in the case referred to in paragraph OA.08, the international application

(i) is not restricted to a single principal subject, the applicant must, at the latest before the expiration of six months from the date of the notification from OAPI that the application cannot be accepted as presented on the grounds of not having one principal subject, divide the application into the required number of applications benefiting from the international filing date;

PCT Art. 7(2)(ii)
 PCT Rule 7.2
 BA II Art. 10(d)(ii)
 11(1)
 17(1)

(ii) does not contain drawings, the applicant must furnish the drawings within two months from the date of the notification from OAPI. Where an international application for a patent is converted into a utility model application (see the next paragraph), the drawing(s) must be submitted with the request for conversion.

OA.11 **CONVERSION.** An international application for a patent may be converted into a utility model application after the applicant has complied with the requirements for entering the national phase for a patent application as indicated in the Summary. The conversion is subject to the payment of a fee for conversion indicated in Annex OA.I and may be requested up to the occurrence of the first of the following two events:

(i) the expiration of 30 days from the date of notification of the rejection of the application (for a patent) by OAPI;

(ii) the expiration of four years from the international filing date or three years from the grant of the patent, whichever is the later.

BA II Art. 13

Subject to the production of legitimate reasons why the applicant was prevented from requesting conversion into a utility model application, the time limit for requesting conversion may be extended upon request by the applicant by 60 days. Two further extensions of 60 days each may be requested before the expiration of the 60-day period, provided that the applicant submits legitimate reasons why he was prevented from applying for conversion.

FEES**(Currency: CFA franc)****Patents**

Filing fee	200,000
Publication fee	325,000
Fee for acceptance of description and drawings:	
— from 11 to 20 pages	97,000
— from 21 to 30 pages	165,000
— from 31 to 40 pages	233,000
and for each additional set of 10 sheets	68,000
Claim fee for each claim in excess of 10	40,000
Fee for claiming the priority of one or more earlier applications, per priority claim	56,000
Annual fees:	
— for the 2nd to the 5th year, per year	195,000
— for the 6th to the 10th year, per year	325,000
— for the 11th to the 15th year, per year	425,000
— for the 16th to the 20th year, per year	545,000
Supplement for late payment of annual fee	60,000
Fee for amendment or correction of errors of substance in the request, description, claims, abstract or drawings:	
— for the first amendment or correction	35,000
— for every subsequent amendment or correction	18,000
Fee for restoration of rights:	
(a) in connection with a priority claim:	
— fault attributable to agent	450,000
— fault attributable to applicant or any other circumstances	375,000
(b) in the case of lapse for non-payment of annual fee within the prescribed time limits:	
— fault attributable to agent	450,000
— fault attributable to applicant or any other circumstances	375,000
Appeal fee	960,000

Utility models

Filing fee	60,000
Publication fee	145,000
Fee for acceptance of description and drawings:	
— from 11 to 20 pages	65,000
— from 21 to 30 pages	100,000
— from 31 to 40 pages	135,000
and for each additional set of 10 sheets	35,000
Fee for claiming the priority of one or more earlier applications, per priority claimed	35,000
Fee for conversion of a patent into a utility model	81,000
Fee for amendment or correction of errors of substance in the description or drawings:	
— for the first amendment or correction	18,000
— for every subsequent amendment or correction	7,000
Fee for putting a utility model application in order within the prescribed time limits	11,000
Fee for restoration in connection with a priority claim not having been effected within the prescribed time limits:	
— fault attributable to agent	230,000
— fault attributable to applicant or any other circumstances	202,000

How can payment of fees be effected?

The payment of fees to OAPI has to be effected in CFA francs. Payment of fees can be made by cash payment, check, bank transfer, deposit account, money order, postal order or telegram. All payments must give the application number (national if already known; international if the national number is not yet known). Bank transfer must be effected on OAPI account No. 31 075 074 3716-F at the Société Commerciale de Banque Crédit Lyonnais Cameroun.

POUVOIR DE MANDATAIRE**POWER OF ATTORNEY**

Je(Nous) / I(We)

autorise(autorisons) par la présent / do hereby authorize

à me (nous) représenter en qualité de / to represent me (us)
 déposant(s), titulaire(s) de brevet ou de modèle d'utilité / patent applicant(s) or utility model
 proprietor(s)

Intitulé :

A agir en mon(notre) nom dans toutes les procédures auprès de l'Organisation Africaine de la
 Propriété Intellectuelle pour tout ce qui concerne le dépôt de demande de brevet ou de modèle d'utilité
 ou en ce qui concerne un brevet délivré ou un modèle d'utilité enregistré

to act for me(us) in all proceedings before the African Intellectual Property Organization concerning
 application of patent or utility model or granted patent or registered utility model

A encaisser tout versement en mon(notre) nom
 To receive payments on my(our) behalf

Le pouvoir peut être délégué.
 Substitute powers of attorney may be given

Par la présente, je révoque (nous révoquons) tous les pouvoirs concernant la (les) demande(s) ou
 le(les) brevet(s) modèles d'utilité ci-dessus.
 I(We) hereby revoke all previous powers of attorney in respect of the above applications or patents or
 utility models.

Lieu / Place

Date / Date

21/11/1999

Signature(s) / Signature(s)

Prière aussi de dactylographier le(s) nom(s) du (des) signataire(s)
 Please also indicate by typewriter the name(s) of signatory(ies).