

Opposition systems

African Intellectual Property Organization

Article 20 of the Bangui Agreement instituting an African Intellectual Property Organization, Act of December 14, 2015 provides a pre-grant opposition system:

Article 20 Opposition

(1) Within three months of publication of the application referred to in Article 19 above, any

person may oppose the grant of a patent or a certificate of addition by submitting a written statement to the Organization setting out the reasons for the opposition. The reasons must be based on an infringement of the provisions of Articles 2, 3, 4, 5, 9 or 17 of this Annex or on a prior registered right belonging to the opposing party.

(2) The Organization shall send a copy of the statement of opposition to the applicant or to

his agent, who may submit a reasoned reply within three months, renewable once on application. The reply shall be transmitted to the opposing party or his agent.

(3) Before ruling on the opposition, the Organization shall hear the parties or their agents

on request.

(4) Where the Organization considers the opposition to be well-founded:

(a) for certain claims or for the reasons set forth in Articles 9 and 17, it shall reexamine

the patent application; and

(b) for all claims or for the reasons set forth in Articles 2 to 5, it shall end the examination of the application.

(5) Where the Organization considers the opposition not to be well-founded, it shall continue the examination of the application for a patent or for a certificate of addition.