TOPIC 8: COUNTRY PRESENTATION

THE AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (OAPI)

Presented by:
Mr. Hamidou KONE
Head of Distinctive Signs Service (OAPI)

PLAN

1. ABOUT OAPI: GENERAL INFORMATION
2. OAPI INTELLECTUAL PROPERTY SYSTEM
3. TRADEMARKS REGISTRATION AT THE OAPI
4. OAPI AND THE MADRID SYSTEM
1. ABOUT OAPI : GENERAL INFORMATION

A. OAPI (Creation)

B. HEADQUARTERS

C. MEMBER STATES

D. MISSIONS OF OAPI

1.A – OAPI (Creation)

- 13th September 1962 : Creation of OAMPI (African and Malagasy Industrial Property Office)
- Nowadays : 16 Member States, 130 millions of inhabitants
- FONDAMENTAL Law : BANGUI AGREEMENT
1. ABOUT OAPI : GENERAL INFORMATION

1.B – HEADQUARTERS

LOCATION
Place de la Préfecture
BP: 887 Yaoundé
(CAMEROON)

Tél. (237) 22.20.57.00
Fax: (237) 22.20.57.27
22.20.57.21
URL: http://www.oapi.int

1. ABOUT OAPI : GENERAL INFORMATION

1.C – THE 16 MEMBER STATES

- BENIN
- BURKINA FASO
- CAMEROON
- CENTRAL AFRICAN REPUBLIC
- CHAD
- CONGO
- COTE D'IVOIRE
- EQUATORIAL GUINEA
- GABON
- GUINEA
- GUINEA BISSAU
- MALI
- MAURITANIA
- NIGER
- SENEGAL
- TOGO
1. ABOUT OAPI : GENERAL INFORMATION

1.D – MISSIONS OF OAPI

– Protection of industrial Property rights
– Dissemination of technical information
– Contributing to the promotion of the protection of literary and artistic property rights
– Promoting the economic development of member States
– Providing intellectual property training
– Any other assignment in connection with IP entrusted by the member States.

2. OAPI INTELLECTUAL PROPERTY SYSTEM

A. THE ORGANS OF THE ORGANIZATION

B. CHARACTERISTICS OF THE OAPI SYSTEM

C. IP ITEMS COVERED BY THE BANGUI AGREEMENT
2. OAPI INTELLECTUAL PROPERTY SYSTEM

2.A – THE ORGANS OF THE ORGANIZATION

– THE ADMINISTRATIVE COUNCIL: Highest authority of the Organization, composed of Ministers of member States in charge of Industrial Property matters.

– THE HIGH COMMISSION OF APPEAL: Responsible for ruling on appeals against the Decisions of the Director General in connection with industrial property protection, its decisions are not subject to other appeal.

– THE DIRECTORATE GENERAL: Under the authority of a Director General, it’s responsible for executive work of the Organization.

2.B – CHARACTERISTICS OF THE OAPI SYSTEM

➔ A UNIFORM LEGISLATION: BANGUI AGREEMENT
➔ A COMMUN OFFICE: THE OAPI
➔ A CENTRALISED PROCEDURE
➔ A UNIQUE TITLE GRANTED
➔ A BEAM OF RIGHTS VALID IN 16 MEMBER STATES
➔ NO NATIONAL OFFICE IN MEMBER STATES; JUST NATIONAL LIAISON STRUCTURES (SNL) INSURING THE RELAY
➔ THE REGIONAL SYSTEM IS IN ACCORDANCE WITH:
   ✦ THE PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY
   ✦ THE BERNE CONVENTION FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS
   ✦ THE ROME CONVENTION FOR THE PROTECTION OF PERFORMERS, PRODUCERS OF PHONOGRAMS AND BROADCASTING ORGANISATIONS
   ✦ THE UPOV CONVENTION FOR PLANT VARIETY PROTECTION
   ✦ THE TRIPS AGREEMENT
2. OAPI INTELLECTUAL PROPERTY SYSTEM

2.C – IP ITEMS COVERED BY THE BANGUI AGREEMENT

- PATENTS
- UTILITY MODELS
- TRADEMARKS (APPLIED TO GOODS OR SERVICES)
- INDUSTRIAL DESIGNS
- TRADE NAMES
- GEOGRAPHICAL INDICATIONS
- LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS
- PLANT VARIETY PROTECTION
- LITERARY AND ARTISTIC PROPERTY

3. REGISTRATION OF TRADEMARK AT THE OAPI

A. LEGAL BASIS
B. APPLICATION (WHERE AND HOW)
C. REGISTRATION
D. STATISTICS
3. REGISTRATION OF TRADEMARK AT THE OAPI

3.A – LEGAL BASIS

a) PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY OF MARCH 20, 1883 (and revised versions)

Art. 1 Al.2 « The protection of industrial property has as its object [-] trademarks, ... » ;

b) THE BANGUI AGREEMENT OF FEBRUARY 24, 1999 AND ITS ANNEX III

3.B – APPLICATION (where and how)

a) WHERE TO FILE AN APPLICATION? DIRECTLY AT THE OAPI HEADQUARTERS

- AT THE ONE-STOP-SHOP IN THE OFFICE
- IN THE BOX AT THE HEADQUARTERS (FOR APPLICATIONS AFTER WORKING HOURS AND DURING PUBLIC HOLIDAYS)
- TRANSMISSION BY POSTAL MAIL (FOR APPLICANTS OF OAPI REGION RESIDING OUT OF YAOUNDE)

b) WHERE TO FILE AN APPLICATION? INDIRECTLY

- BY THE MINISTRY IN CHARGE OF INDUSTRIAL PROPERTY MATTERS
- VIA ATTORNEYS IN OAPI REGION FOR FOREIGN APPLICANTS RESIDING OUT OF THE OAPI REGION

c) HOW TO FILE AN APPLICATION?

- BY FILLING A FORM IN 4 COPIES AND Sending IT TO THE DIRECTOR GENERAL OF OAPI USING ONE OF THE ABOVE ROUTES
- ADDING TO THIS FILE THE PROOF OF PAYMENT OF OFFICIAL FEES
- CLAIMING PRIORITY IF ANY BUT NOT LATER THAN 3 MONTHS FROM THE APPLICATION DATE
- SEPARATING TRADEMARK APPLICATIONS RELATING TO GOODS FROM THOSE RELATING TO SERVICES
- THE APPLICATION FORM CAN BE DOWNLOADED FROM THE OAPI WEB SITE
- THE TRADEMARK SHOULD BE A VIEWABLE SIGN
3. REGISTRATION OF TRADEMARK AT THE OAPI

3.C – REGISTRATION

- THE ONE-STOP-SHOP:
  - RECEVABILITY EXAMINATION, APPLYING DATE AND APPLICATION NUMBER, CREATION OF THE FILE (DIGITALLY & PHYSICALLY), BILLING
  - TRANSMISSION OF THE PHYSICAL FILE TO THE DPI

- THE DEPARTMENT OF INDUSTRIAL PROPERTY PROTECTION (DPI):
  - DISTINCTIVE SIGNS SERVICE (SSD)
  - TECHNICAL EXAMINATION, ISSUE OF REGISTRATION ORDER (ARRETE) AND CERTIFICATE
  - TRANSMISSION OF THE FILE TO THE DEPARTMENT IN CHARGE OF PUBLICATION (DAT)

- THE DEPARTMENT OF TECHNICAL ASSISTANCE AND DEVELOPMENT (DAT):
  - DOCUMENTATION, PUBLICATION AND INFORMATION DISSEMINATION SERVICE (SPD)
  - PUBLICATION OF REGISTERED TRADEMARKS IN THE IP OFFICIAL GAZETTE (BOPI)

- OPENING OF THE OPPOSITION PHASE
  - A PERIOD OF SIX MONTHS RUNNING FROM THE DATE OF PUBLICATION OF THE TRADEMARK

3.D1 – STATISTICS (Trademark applications at OAPI from worldwide)

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3. REGISTRATION OF TRADEMARK AT THE OAPI

3.D2 – STATISTICS (Applications from OAPI Member States)

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4. OAPI AND THE MADRID SYSTEM

IMPACT STUDY AND ITS CONCLUSION
4. OAPI AND THE MADRID SYSTEM

IMPACT STUDY AND ITS CONCLUSION

- 1998 - 2000: IMPACT STUDY

  - **ANALYSIS OF THE MADRID SYSTEM** (TRAMARK REGISTRATION PROCEDURE, FINANCIAL RESOURCES, ADVANTAGE AND DISADVANTAGE)

  - **COMPATIBILITY ANALYSIS BETWEEN THE OAPI SYSTEM AND THE MADRID SYSTEM** (TRAMARK REGISTRATION PROCEDURE, EVOLUTION OF FINANCIAL RESOURCES, EQUILIBRIUM CONDITION, IMPACT ON OAPI HUMAN RESOURCES AND ATTORNEYS, ...)

- **THE 40TH ADMINISTRATIVE COUNCIL OF THE OAPI:**

  - **SUBMISSION OF THE IMPACT STUDY TO THE ADMINISTRATIVE COUNCIL**

  - **DECISION OF KEEPING THE SUBJECT MATTER IN STANDBY FOR BETTER UNDERSTANDING OF THE MADRID SYSTEM AND ITS IMPACT ON THE OAPI SYSTEM**

MANY THANKS FOR YOUR ATTENTION!