THE AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION [ARIPO] AND THE REGIONAL PATENT SYSTEM – AN OVERVIEW

J N Kabare
IP Operations Executive, ARIPO

Kigali, Rwanda
December 10 to 12, 2018
The Organization

• ARIPO: The African Regional Intellectual Property Organization

• Establishment: Established under the Lusaka Agreement on December 9, 1976 as ESARIPO

• December 1985: Name changed from ESARIPO to African Regional Industrial Property Organization [ARIPO]

• August 2002: Name changed from African Regional Industrial Property Organization [ARIPO] to African Regional Intellectual Property Organization [ARIPO]
Organs of ARIPO

Council of Ministers (CM)

Administrative Council (AC)

Board of Appeal (BoA)

3 Technical Committees (Industrial Property Rights; Copyright & Related Rights and PVP)

Human Capital Committee

Audit Committee

Finance Committee

Secretariat

Fostering Creativity and Innovation for Economic Growth and Development in Africa
Membership of The Organization

Member States
- Botswana
- Gambia
- Ghana
- Kenya
- Liberia
- Lesotho
- Malawi
- Mozambique
- Namibia
- Rwanda
- Sao Tome & Principe
- Sierra Leone
- Somalia
- Sudan
- Swaziland
- Tanzania
- Uganda
- Zambia
- Zimbabwe

Observer States
- Angola
- Burundi
- Egypt
- Eritrea
- Ethiopia
- Mauritius
- Nigeria
- Seychelles
- South Africa
  = 9

Fostering Creativity and Innovation for Economic Growth and Development in Africa
ARIPO Member States Position In The Global Market

LEAST DEV’D
- Liberia
- Lesotho
- Malawi
- Mozambique
- Rwanda
- Sao Tome & Principe
- Sierra Leone
- Somalia
- Sudan
- Swaziland
- Tanzania
- Uganda
- Zambia

= 14

DEVELOPING
- Botswana
- Ghana
- Kenya
- Namibia
- Zimbabwe

= 5

LDCs
DCs

Fostering Creativity and Innovation for Economic Growth and Development in Africa
Main Objectives of ARIPO

- Promotion, harmonization and development of IP

- Establish common services and organs for IP coordination, development and harmonization

- Establish IP Capacity Building schemes

- Organize conferences, seminars and meetings on IP

- Promote exchange of ideas and research on IP

- Promote a common view and approach in dealing with IP matters

- Support members in acquisition of IP based technologies

- Development of IP systems for the economic benefit of its member states.
ARIPO Mandate

- Patents
- Industrial Designs
- Marks
- Traditional Knowledge (TK) and Expressions Folklore (EoF)
- Banjul Protocol (1993)
- Swakopmund Protocol (2010)
- Copyright & Related Rights
- Access and Benefit Sharing
- Geographical Indications
- Plant Variety Protection
- VIII Session Council Min – 2002, Malawi
- Guidelines for ABS
- Regional Framework?
Substantive Activities

- **Harare Protocol**: Register & Administer Traditions & Expressions of Folklore
- **Banjul Protocol**: Register & Administer Industrial Designs
- **Swakopmund Protocol**: Register & Administer Utility Models
- **Arusha Protocol** (not yet in force): Register Traditional Knowledge & Expressions of Folklore

**Grant & Administer Patents**

**Register & Administer Utility Models**

**Register & Administer Industrial Designs**

**Register & Administer Marks**

**Register Traditional Knowledge & Expressions of Folklore**

**Plant Variety Protection (PVP)**

*Fostering Creativity and Innovation for Economic Growth and Development in Africa*
Other Activities

- Promotion, harmonization and development of IP
- Organizing conferences, seminars, workshops and other meetings on IP matters
- Awareness creation
- Training and capacity building
- Information dissemination
ARIPO ICT Environment

• Automated business processing of applications

• Electronic Filing System:
  ➢ Online filing
  ➢ Online file inspection
  ➢ Online payment
  ➢ Online journal publication
  ➢ Online communication with member states

• ARIPO encourages member states to introduce automated business processing and online filing
Board of Appeal

- Board consists of 5 members experienced in industrial property matters (two of whom shall be patent examiners)

- 3 members form a quorum

- At all sittings, at least one examiner shall be present

- Members of the Board are appointed by the Administrative Council for a period of two years

- Board members must be citizens of the member states of the Organization
The ARIPO Patent System (1)

- Based on the Harare Protocol (HP) and the Regulations for Implementing the HP as well the Administrative Instructions thereto

- HP adopted in 1982 and entered into force in 1984

- HP empowers ARIPO to grant and administer patents; register & administer utility models as well industrial designs on behalf of Member States

- Filing of applications – either directly with ARIPO or member state as receiving office (first filing or Paris Convention); PCT national phase entry

- ARIPO undertakes formality and substantive examination; grants and administers patents on behalf of member states

36 years of the ARIPO patent system!
The ARIPO Patent System (2) - Member States Party to the Harare Protocol

- Botswana
- Gambia
- Ghana
- Kenya
- Liberia
- Lesotho
- Malawi
- Mozambique
- Namibia
- Rwanda
- Sao Tome & Principe
- Sierra Leone
- Sudan
- Swaziland
- Tanzania
- Uganda
- Zambia
- Zimbabwe

= 18

Fostering Creativity and Innovation for Economic Growth and Development in Africa
The ARIPO System (3) - link between the HP and the Patent Cooperation Treaty (PCT)

• HP linked to the PCT in 1994

• 18 member States of ARIPO (AP) are PCT contracting states

• Any applicant filing a PCT application automatically designates AP (18 member States)

• AP acts as a receiving office under the PCT

• AP may be elected in any PCT application

97% of ARIPO patent applications come through PCT!
Address: 11 Natal Road, Belgravia, Harare, Zimbabwe
Tel: +263 4 794 065 /6/8/54/74
Fax: +263 4 794 072
Email: jkabare@aripo.org
mail@aripo.org
Website: www.aripo.org