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

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List of abbreviations:

Office: African Regional Intellectual Property Organization (ARIPO)


HR: Regulations for Implementing the Harare Protocol

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

(9 February 2017)
**SUMMARY**

**Designated (or elected) Office**

**AP**

**AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)**

Summary of requirements for entry into the national phase

<table>
<thead>
<tr>
<th>Time limits applicable for entry into the national phase:</th>
<th>Under PCT Article 22(3): 31 months from the priority date</th>
<th>Under PCT Article 39(1)(b): 31 months from the priority date</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Translation of international application required into:</th>
<th>English</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Required contents of the translation for entry into the national phase:</th>
<th>Under PCT Article 22: Description, claims (if amended, as amended only), any text matter of drawings, abstract</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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)</td>
</tr>
</tbody>
</table>

| Is a copy of the international application required? | Yes |

<table>
<thead>
<tr>
<th>National fee:</th>
<th>Currency: US dollar (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>For patent:</td>
<td></td>
</tr>
<tr>
<td>Filing fee:²</td>
<td></td>
</tr>
<tr>
<td>– online:</td>
<td>USD 232</td>
</tr>
<tr>
<td>– on paper:</td>
<td>USD 290</td>
</tr>
<tr>
<td>Designation fee:</td>
<td></td>
</tr>
<tr>
<td>USD 85 per country</td>
<td></td>
</tr>
<tr>
<td>Annual fee for the first year:³</td>
<td>USD 50</td>
</tr>
<tr>
<td>Annual fee for the second year:³</td>
<td>USD 70</td>
</tr>
<tr>
<td>Annual fee for the third year:³</td>
<td>USD 90</td>
</tr>
<tr>
<td>For utility model:</td>
<td></td>
</tr>
<tr>
<td>Filing fee:</td>
<td>USD 80</td>
</tr>
<tr>
<td>– online:</td>
<td></td>
</tr>
<tr>
<td>– on paper:</td>
<td>USD 100</td>
</tr>
<tr>
<td>Designation fee:</td>
<td></td>
</tr>
<tr>
<td>USD 20 per country</td>
<td></td>
</tr>
<tr>
<td>Maintenance fee for the first year:</td>
<td>USD 20</td>
</tr>
<tr>
<td>Maintenance fee for the second year:</td>
<td>USD 25</td>
</tr>
<tr>
<td>Maintenance fee for the third year:</td>
<td>USD 30</td>
</tr>
</tbody>
</table>

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.

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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.
### Designated (or elected) Office

**AP**: AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<table>
<thead>
<tr>
<th>Special requirements of the Office (PCT Rule 51bis): 4</th>
<th>Appointment of an agent if the applicant is not resident in an ARIPO Contracting State</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Assignment deed of the priority right where the applicants are not identical 5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Who can act as agent?</th>
<th>Any agent authorized to represent applicants before the national office of an ARIPO Contracting State</th>
</tr>
</thead>
</table>

| Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)? | Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests |

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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).

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.

AP.03  EXAMINATION. The Office will examine or arrange the examination of patent applications as to substance. A request for examination must be filed within three years from the international filing date. The request is subject to the payment of a fee which is indicated in Annex AP.I. Failure to make the request within the prescribed time limit will cause the application to lapse.

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.

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. The applicant may file voluntary amendments during the processing of the international application and after grant. Such amendments are subject to the payment of a fee as indicated in Annex AP.I.

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.

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.

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.
ARIPPO DESIGNATION FEES. The applicant must pay one ARIPPO designation fee (indicated in Annex AP.I.) for each State designated in the international application for an ARIPPO patent for which he, at the time the payment is made, continues to seek ARIPPO patent protection. Where the ARIPPO designation fees are not paid for all the States designated for an ARIPPO 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.

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.

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.

Reestablishment of rights may be requested where the applicant lost any right because, in spite of all due care required by the circumstances having been taken, failed to comply with a time limit before the office. A request for reestablishment of rights must be filed within two months after the removal of the cause of the failure to perform the action but not later than one year from the expiration of the time limit which has not been observed. Within the said time limits, the omitted act must be completed, the fee for reestablishment (see Annex AP.I.) must be paid and the request must state the grounds on which it is based and must set out the facts on which it relies. Reestablishment of rights is not applicable to the time limit for claiming priority.

UTILITY MODEL. If the applicant wishes to obtain a utility model registration in ARIPPO on the basis of an international application
(i) instead of a patent, or
(ii) in addition to a patent,
the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

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.

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.

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 ARIPPO 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) ........................................... 232
- online filing .........................................................
- paper filing ......................................................... 290
- designation fee for each ARIPO Contracting State designated ................. 85

Search fee (only where no international search report is submitted) ................. 300

Examination fee .......................................................... 300

Publication fee .......................................................... 350
- Surcharge for each additional page in excess of 30 ............................. 20
- Surcharge for each additional claim in excess of 10 .............................. 50

Grant fee ................................................................. 350

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 patent application to a national application .......... 100

Fee for conversion of an ARIPO patent application to an ARIPO utility model application ........ 100

Fee for reestablishment of rights ........................................ 100

Annual fees in respect of each designated State (payable on each anniversary of the international filing date):
- for the 1st anniversary ................................................. 50
- for the 2nd anniversary ................................................. 70
- for the 3rd anniversary ................................................. 90
- for the 4th anniversary ............................................... 110
- for the 5th anniversary ............................................... 130
- for the 6th anniversary ............................................... 150
- for the 7th anniversary ............................................... 170
- for the 8th anniversary ............................................... 190
- for the 9th anniversary ............................................... 210
- for the 10th anniversary .............................................. 230
- for the 11th anniversary .............................................. 250
- for the 12th anniversary .............................................. 270
- for the 13th anniversary .............................................. 290
- for the 14th anniversary .............................................. 310
- for the 15th anniversary .............................................. 330
- for the 16th anniversary .............................................. 380
- for the 17th anniversary .............................................. 430
- for the 18th anniversary .............................................. 480
- for the 19th anniversary .............................................. 530
- for the 20th anniversary .............................................. 580

Surcharge for late payment of annual fees ............................................. 100
- and for every month or fraction thereof that the fee remains unpaid ............. 50

(9 February 2017)
Correction of errors:
- the first error .................................................. 50
- any additional error ............................................. 20

Fee for voluntary amendment during processing ........................................ 200

Fee for voluntary amendment after grant .................................................. 300

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)
- online filing .............................................................. 80
- paper filing ............................................................... 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 conversion of an ARIPO utility model application to a national application ................................................................. 300

Maintenance fees in respect of each designated State:
- for the 1st year ................................................................................. 20
- for the 2nd year .............................................................................. 25
- for the 3rd year .............................................................................. 30
- for the 4th year .............................................................................. 35
- for the 5th year .............................................................................. 40
- for the 6th year .............................................................................. 45
- for the 7th year .............................................................................. 50
- for the 8th year to the 10th 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.
AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<table>
<thead>
<tr>
<th>ARIPO Form No. 4</th>
<th>For Official Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>HARARE PROTOCOL</td>
<td>Received on:</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**APPOINTMENT OF REPRESENTATIVE**
(Power of Attorney)
(Rule 10(2); Instruction 19)

To:* Director General
ARIPO Office
P.O. Box 4228
Harare
Zimbabwe

I/We, the undersigned;

Name:  
Address:  
hereby appoint (name):  
address:  
Telephone #:  
Mobile #:  
E-mail:  
Fax #:  

*If filed together with the request Form, indicate name and address of receiving Office; if filed subsequently, indicate ARIPO Office and its address.

**Indicate title of invention and application number, if known.

***Indicate title of the utility model.

****Indicate title (if any) of industrial design and application number, if known.

*****Must be signed by the person(s) appointing the representative; type name(s) under signature(s).

<p>| | |</p>
<table>
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<tr>
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<tbody>
<tr>
<td>to act as my/our representative in all proceedings relating to:</td>
<td></td>
</tr>
<tr>
<td>Application for grant of patent and any patent granted pursuant thereto**</td>
<td></td>
</tr>
<tr>
<td>Application for registration of utility model***</td>
<td></td>
</tr>
<tr>
<td>Application for registration of industrial design and any registration effected pursuant thereto****</td>
<td></td>
</tr>
<tr>
<td>Other (specify)</td>
<td></td>
</tr>
</tbody>
</table>

and ratify all acts done by the representative on my/our behalf in connection with that (those) matter(s), and request that all notices, requisitions and communications relating thereto be sent to the said representative at his address.

Any previous appointment in respect of the same matter(s) is hereby revoked.

XI. SIGNATURE(S)*****

<table>
<thead>
<tr>
<th></th>
<th>Date</th>
</tr>
</thead>
</table>

* If filed together with the request Form, indicate name and address of receiving Office; if filed subsequently, indicate ARIPO Office and its address.

**Indicate title of invention and application number, if known.

***Indicate title of the utility model.

****Indicate title (if any) of industrial design and application number, if known.

*****Must be signed by the person(s) appointing the representative; type name(s) under signature(s).