

# INDUSTRIAL PROPERTY OFFICE OF MADAGASCAR

AS  
DESIGNATED (OR ELECTED) OFFICE

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**List of abbreviations:**

Office: Industrial Property Office of Madagascar

OPPI: Ordinance establishing arrangements for the protection of industrial property

DA: Decree applying the ordinance

**SUMMARY****Designated  
(or elected) Office****SUMMARY****MG****INDUSTRIAL PROPERTY OFFICE OF  
MADAGASCAR****MG****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: <sup>1</sup>	French
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, only as amended, 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: Ariary (MGA) Filing fee: <sup>2</sup> MGA 180,000 (144,000) <sup>3</sup> Annual fees: <sup>4</sup> — for the 3 <sup>rd</sup> year: MGA 125,000 (100,000) <sup>3</sup>
Exemptions, reductions or refunds of the national fee:	Reductions to the national fees are indicated in Annex MG.I

*[Continued on next page]*

<sup>1</sup> Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

<sup>2</sup> If not already paid within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to pay the filing fee within a time limit of four months from the date of receipt of the invitation.

<sup>3</sup> The amount in parentheses is applicable if the applicant is a natural person who resides in, or a legal entity whose head office is in, one of the States specified in the schedule of fees attached to Order No.12285/2013 (see <http://www.omapi.mg/index.php?article56/taxes-2013>). If there are two or more applicants, each applicant must satisfy these criteria.

<sup>4</sup> The fee for the third year must be paid within 24 months from the international filing date or within 30 months from the priority date if that 30-month time limit expires later.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****MG****INDUSTRIAL PROPERTY OFFICE OF  
MADAGASCAR****MG***[Continued]*

Special requirements of the Office  
(PCT Rule 51*bis*):<sup>5</sup>

Name and address of the inventor if they have not been furnished in the "Request" part of the international application<sup>6</sup>

Deed of assignment or declaration concerning the inventor and the right of the applicant to apply for a patent<sup>6</sup>

Declaration by the applicant concerning his right to claim priority of the earlier application, if he did not apply himself for that earlier application<sup>6</sup>

Appointment of an agent if applicant is not resident in Madagascar

Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in computer readable form

Who can act as agent?

Any patent agent resident in Madagascar having the right to practice before the Office. A list of registered patent agents may be obtained from the Office.

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

<sup>5</sup> If not already 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 of four months from the date of receipt of the invitation.

<sup>6</sup> 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**

**MG.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).

DA Art. 11(I) **MG.02 FEES (MANNER OF PAYMENT).** The manner of payment of the fees referred to in the Summary and in this Chapter is outlined in Annex MG.I.

DA Art. 11(c) **MG.03 ASSIGNMENT.** Where the applicant is not the inventor, a deed of assignment or a declaration concerning the inventor and the applicant's right to apply for a patent must be furnished. A model of the assignment (in Malagasy, French and English) is reproduced in Annex MG.II.

OPPI Art. 132  
DA Art. 11(e) **MG.04 POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney. A model (in Malagasy, French and English) is reproduced in Annex MG.III.

OPPI Art. 32  
DA Art. 56 **MG.05 ANNUAL FEES.** They must be paid before each anniversary date of the international filing date, as from the third. For the time limits of payment of the first annual fee, see the Summary. Where the applicant does not pay the annual fee in good time, he may still do so within a period of six months after the time limit, subject to a surcharge for late payment. The amounts of the annual fees are given in Annex MG.I.

**MG.06 GRANTING AND PUBLICATION FEE.** This fee must be paid before grant of the patent. The amount is given in Annex MG.I.

PCT Art. 28  
41  
DA Art. 36 **MG.07 AMENDMENT OF THE APPLICATION; TIME LIMITS.** Amendments may be made during the national phase up to grant of the patent, provided that the scope of the subject matter is not thereby expanded. An amendment fee must be paid; the amount is given in Annex MG.I.

OPPI Arts. 4 to 6  
18  
25  
DA Art. 40 **MG.08 EXAMINATION PROCEDURE.** If an international preliminary examination report has been drawn up, the application is subject to an examination for patentability. If no international preliminary examination report has been drawn up, examination is limited to determining whether the invention belongs to a field for which a patent may not be issued and whether the application comprises a description and claims drawn up in accordance with the requirements of national legislation.

PCT Art. 25  
PCT Rule 51  
OPPI Art. 33  
DA Art. 58 **MG.09 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. A request for review must be submitted together with payment of the restoration fee, the amount of which is given in Annex MG.I. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or of the International Bureau, the decision may be appealed by a request to the competent court within one month of notification of rejection of the request for review.

PCT Art. 24(2)  
48(2)  
OPPI Art. 33  
DA Art. 58 **MG.10 FAILURE TO MEET TIME LIMITS.** Where the applicant has not complied, for reasons beyond his control, with the time limit during the international phase or in the procedure before the Office, a request for restoration may be filed by writing within a period of two months as from the time those reasons cease to apply. The request for restoration has to set out the facts and be accompanied by a restoration fee, the amount of which is given in Annex MG.I. If the request is rejected by the Office, an appeal may be lodged with the competent court within one month as from receipt by the holder or his representative of notification of the refusal of the request.

**FEES**

(Currency: Ariary)

Filing fee (covering the first two years) . . . . .	180,000	(144,000) <sup>1</sup>
Fee for each divisional application . . . . .	10,000	(8,000) <sup>1</sup>
Fee for priority claims, per priority claim. . . . .	65,000	(52,000) <sup>1</sup>
Claim fee for each claim in excess of ten. . . . .	60,000	(48,000) <sup>1</sup>
Additional fee for each sheet of the description, in excess of twenty. . . . .	25,000	(20,000) <sup>1</sup>
Fee per amendments or rectification of mistakes, per page modified or replaced . . . . .	8,000	(6,400) <sup>1</sup>
Granting and publication fee . . . . .	30,000	(24,000) <sup>1</sup>
Annual fees:		
– before the 3 <sup>rd</sup> anniversary of the filing . . . . .	125,000	(100,000) <sup>1</sup>
– before the 4 <sup>th</sup> anniversary of the filing . . . . .	125,000	(100,000) <sup>1</sup>
– before the 5 <sup>th</sup> anniversary of the filing . . . . .	125,000	(100,000) <sup>1</sup>
– before the 6 <sup>th</sup> anniversary of the filing . . . . .	380,000	(304,000) <sup>1</sup>
– before the 7 <sup>th</sup> anniversary of the filing . . . . .	380,000	(304,000) <sup>1</sup>
– before the 8 <sup>th</sup> anniversary of the filing . . . . .	380,000	(304,000) <sup>1</sup>
– before the 9 <sup>th</sup> anniversary of the filing . . . . .	380,000	(304,000) <sup>1</sup>
– before the 10 <sup>th</sup> anniversary of the filing . . . . .	380,000	(304,000) <sup>1</sup>
– before the 11 <sup>th</sup> anniversary of the filing . . . . .	650,000	(520,000) <sup>1</sup>
– before the 12 <sup>th</sup> anniversary of the filing . . . . .	650,000	(520,000) <sup>1</sup>
– before the 13 <sup>th</sup> anniversary of the filing . . . . .	650,000	(520,000) <sup>1</sup>
– before the 14 <sup>th</sup> anniversary of the filing . . . . .	650,000	(520,000) <sup>1</sup>
– before the 15 <sup>th</sup> anniversary of the filing . . . . .	650,000	(520,000) <sup>1</sup>
– before the 16 <sup>th</sup> anniversary of the filing . . . . .	750,000	(600,000) <sup>1</sup>
– before the 17 <sup>th</sup> anniversary of the filing . . . . .	750,000	(600,000) <sup>1</sup>
– before the 18 <sup>th</sup> anniversary of the filing . . . . .	750,000	(600,000) <sup>1</sup>
– before the 19 <sup>th</sup> anniversary of the filing . . . . .	750,000	(600,000) <sup>1</sup>
– before the 20 <sup>th</sup> anniversary of the filing . . . . .	750,000	(600,000) <sup>1</sup>
Fee for requesting extension of the patent beyond the 15 <sup>th</sup> year . . . . .	40,000	(32,000) <sup>1</sup>
Surcharge for late payment of an annual fee . . . . .	50,000	(40,000) <sup>1</sup>
Restoration fee . . . . .	65,000	(52,000) <sup>1</sup>

**How can payment of fees be effected?**

Applicants who are not resident in Madagascar must pay all fees (including annual fees) through an agent chosen on the list of agents authorized to practice before the Office.

<sup>1</sup> The amount in parentheses is applicable if the applicant is a natural person who resides in, or a legal entity whose head office is in, one of the States specified in the schedule of fees attached to Order No.12285/2013 (see [www.omapi.mg/index.php?article56/taxes-2013](http://www.omapi.mg/index.php?article56/taxes-2013)). If there are two or more applicants, each applicant must satisfy these criteria.

**ACTE DE CESSION / DEED OF ASSIGNMENT /  
SORA-PANEKENA FAMINDRAN-TOMPO**

Je/Nous soussigné(s)

It is hereby declared that I/we the undersigned

Izaho (Izahay) manao sonia eto ambany

déclare/déclarons par le présent acte avoir cédé mon/notre droit de demander et obtenir un brevet à Madagascar en ce qui concerne l'invention intitulée :

have assigned my/our right to apply for and obtain a patent in Madagascar in respect of the invention entitled:

dia manambara amin'ny sora-panekena etoana ny famindrana ny zoko/zonay hangataka sy hahazo fanamarinan-ko mpamorona eto Madagasikara momba ny famoronana mitondra ny anarana hoe:

à/to/ho an'i :

Lieu/Place/Toerana :.....

Date/Daty :.....

Signature(s)/Sonia

**AUCUNE LEGALISATION REQUISE / NO LEGALIZATION REQUIRED /  
TSY MISY FANAMARINANA TAKIANA**

**POUVOIR / POWER OF ATTORNEY / FAHEFANA**

Je (Nous) soussigné(s)

I (We)

Izaho (Izahay) manao sonia eto ambany

(Nom et adresse)

(Name and address)

(Anarana sy adiresy)

donne (donnons) pouvoir à

do hereby authorize

dia manome fahefana an'i

de me (nous) représenter pour les procédures concernant la demande internationale identifiée ci-dessous:

to represent me(us) in all proceedings related to the processing of the following international application:

hisolontena ahy (anay) amin'ny paika mikasika ny fangatahana iraisam-pirenena voafaritra eto ambany:

auprès de l'Office malgache de la propriété industrielle et d'effectuer tout paiement ou de recevoir tout  
remboursement en mon (notre) nom

before the Industrial Property Office of Madagascar and make or receive payments on my(our) behalf.

eo anatrehan'ny Fimasoana Malagasy ny Fizaka-manana ara-Indostria sy hanatanteraka ny fandoavam-bola na  
handray ny famerenam-bola rehetra amin'ny anarako (anaranay).

Lieu / Place / Toerana:

Date/Daty:

Signature(s) / Sonia: