



## **NOTICE TO ALL APPLICANTS**

Reference is made to the Resolutions of the ARIPO Administrative Council at its 40<sup>th</sup> Session that was held in Harare, Zimbabwe from 5 to 7 December, 2016. The Administrative Council adopted among others the amendments to the Harare Protocol on Patents and Industrial Designs as well as its implementing Regulations. The said amendments came into force on 1 January 2017.

In view of that, the ARIPO Office wishes to draw your attention to the following amendments:

(1) **Section 3 (3):** “The Office shall, on request, undertake, or arrange for, the substantive examination of the patent application”.

**Rule 18 (1)(a):** “For the purposes of the request under Section 3(3) of the Protocol, the applicant may request examination of the patent application up to three years from the date of filing. The request shall be deemed to have been filed when the examination fee has been

lodged. Provided that where no request is made, within the prescribed period, the application shall lapse”.

As a result of this amendment, in order for the applications filed on/or after 1 January 2017 to be examined as to substance, all applicants are required to request for substantive examination pursuant to Section 3(3) of the Harare Protocol and Rule 18(1)(a) of the Implementing Regulations by submitting Form 13a.

- (2) *Section 5bis*: “An applicant for or proprietor of an ARIPO patent who, in spite of all due care required by the circumstances having been taken, was unable to observe a time limit, shall have his rights re-established upon request if the non-observance of this time limit has the direct consequence of causing the refusal of the ARIPO application or of a request, or the deeming of the application to have been withdrawn, or the loss of any other right or means of redress”.

Therefore, applicant(s) may request in writing for re-establishment of rights for application(s) that would have missed deadlines in accordance with *Section 5bis* of the Harare Protocol and upon payment of the prescribed fee as per Rule 24 of the Implementing Regulations.

- (3) *Section 5ter*: “At the request of the proprietor, the ARIPO patent or utility model may be limited by an amendment. The request shall be filed with the ARIPO Office in accordance with the Implementing Regulations. It shall not be deemed to have been filed until the limitation fee has been paid.”

Resultantly, applicant(s) may request in writing for limitation of rights for their granted patent(s) for all the designated states in accordance with Section *5ter* of the Harare Protocol and Rule *21bis* of the Implementing Regulations.

Fernando dos Santos  
**DIRECTOR GENERAL**