



BANJUL PROTOCOL ON MARKS

ARIPO Office
Harare
Zimbabwe

2018



Banjul Protocol on Marks

**ARIPO Office
Harare, Zimbabwe
2018**



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

**BANJUL PROTOCOL
ON MARKS**

**adopted by the Administrative Council at Banjul, The Gambia, on November 19,
1993 and amended on November 28, 1997, May 26, 1998, November 26, 1999,
November 21, 2003, November 25, 2013, November 17, 2015 and November 22, 2017**

and

**REGULATIONS FOR IMPLEMENTING
THE BANJUL PROTOCOL**

**Adopted by the Administrative Council at Kariba, Zimbabwe, on November 24, 1995
and amended on November 28, 1997, May 26, 1998, November 26, 1999,
November 21, 2003, November 25, 2013, November 17, 2015 and November 22, 2017**

TABLE OF CONTENTS

<i>CONTRACTING STATES UNDER THE BANJUL PROTOCOL</i>		6
<i>PRINCIPAL TEXT OF THE PROTOCOL</i>		7
<i>PREAMBLE</i>		8
<i>Section 1</i>	<i>General</i>	8
<i>Section 2</i>	<i>Filing and Transmittal of Applications</i>	9
<i>Section 3</i>	<i>Contents of Application</i>	9
<i>Section 3bis</i>	<i>Filing Date</i>	10
<i>Section 4</i>	<i>Right of Priority</i>	11
<i>Section 5</i>	<i>Formalities Examination, Notification and Conversion</i>	11
<i>Section 5bis</i>	<i>Appeals</i>	12
<i>Section 6</i>	<i>Substantive Examination by a Designated State</i>	12
<i>Section 6bis</i>	<i>Publication, Registration and Notice of Opposition</i>	13
<i>Section 7</i>	<i>Duration and Renewal of Registration</i>	14
<i>Section 8</i>	<i>Effect of Registration</i>	14
<i>Section 9</i>	<i>Subsequent Designations</i>	15
<i>Section 10</i>	<i>Regulations</i>	15

Banjul Protocol on Marks

<i>Section 11</i>	<i>Entry into Force</i>	<i>16</i>
<i>Section 12</i>	<i>Denunciation of the Protocol</i>	<i>16</i>
<i>Section 13</i>	<i>Amendment to the Protocol</i>	<i>17</i>
<i>Section 14</i>	<i>Signature of the Protocol</i>	<i>17</i>
<i>REGULATIONS FOR IMPLEMENTING THE BANJUL PROTOCOL</i>		<i>19</i>
<i>Schedule I: Fees</i>	<i>Part A: Fee Structure Declarations by Contracting States</i>	<i>34</i>
	<i>Part B: Regional Fees Structure</i>	<i>37</i>
<i>Schedule II: Forms</i>	<i>Part A: List of Forms</i>	<i>40</i>
	<i>Part B: Description of Forms</i>	<i>43</i>

**BANJUL PROTOCOL
ON MARKS WITHIN THE FRAMEWORK OF
THE AFRICAN REGIONAL INTELLECTUAL PROPERTY
ORGANIZATION (ARIPO) (1993)**

**LIST OF CONTRACTING STATES
Status as at December 31, 2017**

State	Date on which State became party to the Protocol
Botswana	October 29, 2003
Lesotho	February 12, 1999
Liberia	March 24, 2010
Malawi	March 6, 1997
Namibia	January 14, 2004
São Tomé and Príncipe	February 27, 2016
Swaziland	March 6, 1997
Uganda	November 21, 2000
United Republic of Tanzania	September 1, 1999
Zimbabwe	March 6, 1997
[Total: 10 States]	

Principal Text of the Banjul Protocol

PREAMBLE

We, the Contracting States of this Protocol:

Having regard to the Agreement on the Creation of the African Regional Intellectual Property Organization (ARIPO), concluded in LUSAKA, Zambia, on December 9, 1976;

In accordance with the objectives of ARIPO generally and in particular Article III(c), which provides for the establishment of such common services or organs as may be necessary or desirable for the co-ordination, harmonisation and development of the intellectual property activities affecting the members of ARIPO; and

Considering the advantages of pooling resources in respect of industrial property administration:

Hereby establish this Protocol to be known as the *Banjul Protocol on Marks within the framework of the African Regional Intellectual Property Organization (ARIPO)* and agree as follows:-

SECTION 1

GENERAL

- 1:1 The African Regional Intellectual Property Organization (ARIPO) is hereby entrusted with the registration of marks and the administration of such registered marks on behalf of the Contracting States in accordance with the provisions of this Protocol.
- 1:2 In the exercise of its functions under this Protocol, ARIPO shall act through its Secretariat, hereinafter referred to as “the Office”.

SECTION 2

FILING AND TRANSMITTAL OF APPLICATIONS

2:1 All applications for the registration of a mark shall be filed either directly with the Office or with the Industrial Property Office of a Contracting State by the applicant or his duly authorized representative.

2:2 Where—

- (a) an application is filed directly with ARIPO but the applicant's principal place of business or ordinary residence is not in the host country of ARIPO; or
- (b) an application is filed with the Industrial Property Office of a Contracting State by an applicant whose principal place of business or ordinary residence is not in a Contracting State;

the applicant shall be represented.

2:3 Representation shall be by a patent or trade mark agent or by a legal practitioner who has a right to represent applicants before the Industrial Property Office of any of the Contracting States.

2:4 Where an application is filed with the Industrial Property Office of a Contracting State, such office shall, within one month of receiving the application, transmit the application to the Office.

SECTION 3

CONTENTS OF APPLICATION

3:1 An application for the registration of a mark shall:

- (i) identify the applicant;
- (ii) contain, as prescribed, a representation of the mark;
- (iii) designate the Contracting States in which registration is being requested; and
- (iv) be subject to the payment of the prescribed fees.

3:2 The application shall indicate the goods and/or services in respect of which protection of a mark is claimed, including the corresponding class or classes provided for under the Nice Agreement Concerning the International

Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised. For this purpose the ARIPO Office will check that the applicant has made such indication of class or classes and that indication is correct and where the applicant does not give such indication or the indication is not correct, the ARIPO Office shall classify the goods or services under the appropriate class or classes of the latest edition of the Nice Classification on payment of a classification fee.

- 3:3 Where colour is claimed to be a distinctive feature of the mark, the applicant shall make a statement to that effect as well as the name or names of the colour or colours claimed and an indication, in respect of each colour, of the principal parts of the mark which are in that colour.
- 3:4 Where the mark is a three-dimensional mark, the applicant shall make a statement to that effect and attach to the application a reproduction of the mark consisting of a two-dimensional graphic or photographic reproduction either of a single view of the mark or several different views of the mark.
- 3:5 The application shall contain a declaration of actual use of the mark or intention to use the mark, or be accompanied by an application for the registration of a person as a registered user of the mark;

Provided that where there is an application for a registered user the Director General of the Office is satisfied that—

- (i) the applicant intends it to be used by that person in relation to those goods or services; and
- (ii) that person shall be registered as a registered user thereof immediately after registration of the mark.

SECTION 3bis

FILING DATE

- 3bis:1 The Office shall accord as the filing date of an application the date on which the following indications or elements were received by the Contracting State in which the application was filed or received by the Office:
- (i) an express or implied indication that registration of a mark is sought;
 - (ii) an indication allowing the identity of the applicant to be established;

- (iii) indications sufficient to contact the applicant or the applicant's representative, if any, by mail or any other safe/secure electronic means of communication;
- (iv) a clear reproduction of the mark;
- (v) a list of goods and/or services for which the registration is sought;

provided that the Office may accord as the filing date of the application the date on which it received the indications or elements referred to.

3bis:2 If the Office finds that the application does not comply with the requirements under *3bis:1*, it shall notify the applicant accordingly, inviting the applicant to comply with the requirements within the prescribed period. If the applicant does not comply with the requirements within the said period, the Office shall refuse the application.

SECTION 4

RIGHT OF PRIORITY

- 4:1 An applicant or a successor in title shall have the right to claim priority rights provided under Article 4 of the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised.
- 4:2 The right to priority shall subsist only when the application is made within 6 months from the date of the earlier application.

SECTION 5

FORMALITIES EXAMINATION; NOTIFICATION AND CONVERSION

- 5:1 The Office shall examine whether the formal requirements provided under Section 3 have been complied with.
- 5:2 If the Office is of the opinion that the application does not comply with the formal requirements, it shall notify the applicant accordingly, inviting him to comply with the requirements within a prescribed period. If the applicant does not comply with the requirements within the said period, the Office shall refuse the application.

- 5:3 If the application complies with all the formal requirements, the Office shall within the prescribed period notify each designated State.
- 5:4 Where the Office refuses an application or a reconsideration in terms of Section 5*bis*:1 is refused or an appeal in terms of Section 5*bis*:2 is unsuccessful, the applicant may within a period of 3 months from the date on which he receives notification of such refusal or result of appeal request that his application be treated, in any designated State, as an application according to the national laws of that State.

SECTION 5*bis*

APPEALS

- 5*bis*.1 Where under Section 5:4 of the Protocol the Office refuses any application, the applicant may, within the prescribed period, request the Office to reconsider the matter.
- 5*bis*.2 If after the Office has reconsidered the application, the Office still refuses the application, the applicant may lodge an appeal against the decision of the Office to the Board of Appeal established in terms of Section 4*bis* of the Protocol on Patents and Industrial Designs Within the Framework of the African Regional Intellectual Property Organization (ARIPO) (the Harare Protocol).

SECTION 6

SUBSTANTIVE EXAMINATION BY A DESIGNATED STATE

- 6:1 Every application for the registration of a mark shall be examined in accordance with the national laws of a designated State.
- 6:2 Before the expiration of 9 months from the date of the notification referred to in Section 5:3, each designated State may make a written communication to the Office that, if a mark is registered by the Office, that registration shall have no effect on its territory on the basis of any grounds, both absolute and relative, including the existence of third party rights.
- 6:3 Where the designated State refuses the application under Section 6:2, it shall give reasons under its national laws for refusing the application. These reasons shall

within 1 month of the decision being made be communicated to the Office which shall without delay communicate the same to the applicant.

- 6:4 The applicant shall be given an opportunity to respond through the Office, to the designated State concerned, to the decision to refuse the application. The decision shall be subject to appeal or review under the national laws of the designated State concerned. The appeal or review shall be filed through the Office. The decision upon appeal or review shall be communicated to the Office by the designated State within 1 month from date of issuance.
- 6:5 A communication to the Office under Section 6:2 or a refusal by a designated State shall not prejudice the issuance by the Office of a certificate of registration having effect in those designated States in respect of which the application has not been subject to a communication under Section 6:2 or has not been refused.
- 6:6 Where a designated State which makes a communication under Section 6:2 subsequently withdraws it or where the designated State initially refused the application but subsequently accepts the same, the designated State shall within 1 month communicate this fact to the Office. In this case, the Office shall extend the registration to such designated State.

SECTION 6bis

PUBLICATION; REGISTRATION AND NOTICE OF OPPOSITION

- 6bis.1 An application for registration of a Mark which has been accepted by any designated State or in respect of which any designated State has not made the communication referred to in Section 6:2 shall be published in the Marks Journal as having been accepted by the designated State or designated States concerned.
- 6bis:2 Subject to the provisions of Section 6bis.4, 3 months after the publication of the Journal referred to in Section 6bis.1, the Office shall register the mark on payment of registration fees. Such registration shall be recorded in the Marks Register and the Office shall issue to the applicant a certificate of registration.
- 6bis.3 The fact of registration of a mark shall be published in the Journal.
- 6bis:4 At any time after the publication in the Marks Journal of an application as accepted by the designated State or designated States in terms of Section 6bis:1 but before the registration of the mark in terms of Section 6bis:2, any person shall

lodge a notice of opposition to the application for registration; which notice shall be filed with the Office. Thereafter, the application shall be treated according to the opposition procedures laid down under the national laws of the designated State or designated States concerned.

SECTION 7

DURATION AND RENEWAL OF REGISTRATION

- 7:1 The registration of a mark shall be for a period of 10 years from the filing date.
- 7:2 The registration of a mark may be renewed for further periods of 10 years on payment of the prescribed renewal fee.
- 7:3 The renewal of the registration shall be effected on or before the date of expiration of the original registration or of the last renewal of the registration provided that a grace period of 6 months shall be allowed, in either case, on payment of a surcharge.
- 7:4 The registration of a mark which has not been renewed because of non-payment of renewal fees within the period stipulated in Section 7:3 shall be deemed to have lapsed and shall be removed from the Register.
- 7:5 A mark removed from the Register for non-payment of renewal fees may be restored at the request of the owner on payment of the prescribed restoration fee within the prescribed period.

SECTION 8

EFFECT OF REGISTRATION

- 8:1 The registration of a mark by the Office shall have the same effect in each designated State, with respect to rights conferred by the mark, as if it was filed and registered under the national laws of each such state.
- 8:2 The national laws of each Contracting State shall apply to the cancellation of a registration, whether based on non-use or any other grounds. Where registration has been cancelled, the Contracting State concerned shall, within 1 month of cancellation, notify the Office. The Office shall publish this fact in the Marks Journal and record it in the Register.

- 8.3. The indication of classes of goods or services provided for shall not bind the Contracting States with regard to the determination of the scope of protection of the mark.

SECTION 9

SUBSEQUENT DESIGNATIONS

- 9:1 Where a mark has been registered by the Office or is pending registration in the Office, the owner or applicant or, where applicable, his successor in title, shall have the right to designate any other State which becomes a party to this Protocol subsequent to the registration or filing of the application for registration of the mark.
- 9:2 Where, under Section 9:1, the owner of a registered mark or applicant for registration of a mark designates any other State which becomes a party to this Protocol, such subsequent designation shall be deemed to be an application for the registration of a mark with respect to the State so designated and shall accordingly be subject to examination under the national law of such designated State as provided for under Section 6 of the Protocol. In such a case, the filing date of the application in the State so designated shall be the same as the filing date of the earlier application. The date of subsequent designations, if it complies with the applicable requirements, shall be the date on which it was received by the Office. The date of subsequent designations shall be recorded in the register and published in the ARIPO Journal.
- 9:3 The period of protection under the subsequent designation expires on the same date as the earlier registration.

SECTION 10

REGULATIONS

- 10:1 The Administrative Council shall make Regulations for the implementation of this Protocol and may amend them, as necessary.
- 10:2 Without derogating from the generality of Sub-section 10:1, the Regulations shall-
- (i) stipulate any administrative requirements or any details necessary for the implementation of the provisions of this Protocol and any relevant international treaties;

- (ii) prescribe fees to be charged by the Office and the details of the distribution of part of those fees among the Contracting States; and
- (iii) provide the schedule of forms to be used in registration procedures.

SECTION 11

ENTRY INTO FORCE

- 11:1 Any State which is a member of ARIPO or any State to which membership of ARIPO is open may become party to this Protocol by-
- (i) signature followed by the deposit of an instrument of ratification; or
 - (ii) deposit of an instrument of accession.
- 11:2 Instruments of ratification or accession shall be deposited with the Director General of ARIPO.
- 11:3 This Protocol shall come into force 3 months after 3 States have deposited their instruments of ratification or accession.
- 11:4 Any State which is not party to this Protocol upon its entry into force shall become bound by this Protocol 3 months after the date on which such State deposits its instrument of ratification or accession.
- 11:5 Any State which ratifies or accedes to this Protocol shall, by the instrument of ratification or accession, be deemed to have indicated its acceptance to be bound by the provisions of the Agreement on the Creation of the African Regional Intellectual Property Organization (ARIPO) and such State shall become a member of ARIPO on the date on which it deposits its instrument of ratification or accession to this Protocol.

SECTION 12

DENUNCIATION OF THE PROTOCOL

- 12:1 Any Contracting State may denounce this Protocol by notification addressed to the Director General of ARIPO.
- 12:2 Denunciation shall take effect 6 months after receipt of the said notification by the Director General of ARIPO and shall not affect any application filed prior to the

expiration of the said 6 months period or registration of a mark effected upon such an application.

SECTION 13

AMENDMENT TO THE PROTOCOL

- 13:1 This Protocol may be amended at the instance of any Contracting State or by the Director General during the sessions of the Administrative Council of ARIPO.
- 13:2 Adoption of the amendments of any provision of this Protocol shall require a majority of two-thirds of the votes of all the Contracting States.

SECTION 14

SIGNATURE OF THE PROTOCOL

- 14:1 The Protocol shall be signed in a single copy and shall be deposited with the Director General of ARIPO.
- 14:2 The Director General of ARIPO shall transmit certified copies of this Protocol to the Contracting States, other member States of ARIPO and the States to which membership of ARIPO is open in accordance with Article IV of the Agreement on the Creation of the African Regional Intellectual Property Organization (ARIPO).



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

REGULATIONS FOR IMPLEMENTING THE BANJUL PROTOCOL

**(Adopted by the Administrative Council at Kariba, Zimbabwe, on November 24, 1995
and amended on November 28, 1997, May 26, 1998, November 26, 1999, November 21,
2003, November 25, 2013, November 17, 2015 and November 22, 2017)**

TABLE OF CONTENTS

Rule 1	Definitions
Rule 2	Conditions of Registration, Independence of Protection
Rule 3	Classification
Rule 4	Requirements of Application
Rule 5	Application and Transmittal Procedures
Rule 5bis	Electronic Filing of Marks
Rule 6	Formalities Examination by the Office
Rule 6bis	Time Limits
Rule 7	Representation of the Mark
Rule 8	Right of Priority
Rule 9	Later Designations
Rule 10	Fees
Rule 11	Examination by a Designated State
Rule 12	Duration and Renewal of Registration
Rule 13	Changes in Registered Particulars
Rule 13bis	Restoration of a Mark
Rule 14	Registration of Licences, Assignments and other Similar Rights
Rule 15	Registration and Publication

Rule 16	Amendment
Rule 17	General Provisions
Schedule I	Schedule of Fees
Schedule II	Schedule of Forms
Schedule III	International Classification of Goods and Services

Rule 1

Definitions

For the purposes of these Regulations, unless the context otherwise requires:

A “*Mark*” includes a sign, name, word, device, brand, heading, level signature, letter, numeral or a combination thereof.

“*Administrative Instructions*” means the Administrative Instructions established by the Director General of the Office in accordance with Rule 15:4;

“*Application*” means an application for registration of a mark;

“*Assignment*” means transfer by act of parties concerned;

“*Board of Appeal*” means the Board of Appeal established under Section 4bis of the Protocol on Patents and Industrial Designs within the Framework of the African Regional Intellectual Property Organization (ARIPO) adopted at Harare, Zimbabwe, on December 10, 1982;

“*The Protocol*” means the Protocol on Marks within the Framework of the African Regional Intellectual Property Organization adopted at Banjul, The Gambia, on November 19, 1993;

“*Contracting State*” means the State that adheres to the Banjul Protocol;

“*Designated State*” means any State designated in an application in accordance with Rule 4;

“*Office*” means the Office of the African Regional Intellectual Property Organization (ARIPO);

“*Paris Convention*” means the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1983, as revised and amended;

“*International Classification*” means the classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, signed at Nice on June 15, 1957, as revised and amended;

“*Pending mark*” means a mark which is the subject of an application for registration;

"Register" means the Register of Marks kept under the provisions of the Protocol and these regulations;

"Registered mark" means a mark which is actually on the Register;

"Registered user" means a person who is registered as such under Rule 15:1;

"Transmission" means transfer by operation of law, devolution on the personal representative of a deceased person and any other mode of transfer not being an assignment.

Rule 2

Conditions of Registration; Independence of Protection

An application for the registration of a mark may not be refused, nor may a registration be invalidated, on the ground that filing, registration, or renewal has not been effected in the country of origin as defined in Article 6 quinquies A (2) of the Paris Convention.

Rule 3

Classification

- 3:1 Where goods and/or services belonging to several classes of the Nice Classification have been included in one and the same application, such an application shall result in one and the same registration.
- 3:2 However, any designated State may declare that, notwithstanding Sub-rule 3:1 where goods and/or services belonging to several classes of the Nice Classification have been included in one and the same application, such application shall result in two or more registrations provided that each and every such registration shall bear a reference to all other such registrations resulting from the said application.
- 3:3 A maximum of 50 words will be allowed for the goods listing of each class on an application. A surcharge of \$5 per word will be levied for any additional word(s) after the 50th word.

Rule 4

Requirements of Application

- 4:1 An application for registration of a mark on Form No. M 1 shall contain:
- (a) a request for the registration;
 - (b) the name and address of the applicant;
 - (c) a designation of one or more Contracting States for which the registration is requested to have effect;
 - (d) four copies of a representation of the mark; and
 - (e) a list of the particular goods or services in respect of which registration of the mark is requested, with an indication of the corresponding class or classes in the international classification.
- 4.2 Where applicable, a transliteration of the mark or of certain parts of the mark, or a translation of the mark or of certain parts of the mark shall accompany the application.

Rule 5

Application and Transmittal Procedures

- 5.1 The application for registration of a mark shall be made on Form No. M 1; where an applicant is represented, a power of attorney on Form No. M 2 shall be filed together with the application or within 2 months from the date of filing.
- 5:2 If the Office finds that the application does not comply with the said requirements under Rule 4, it shall notify the applicant, inviting the applicant to comply with the said requirements within 2 weeks. Such notification shall be made on Form No. M 4C. If the applicant does not comply with the requirements within the specified period, the Office shall refuse the application.
- 5:3 Where an application is filed with the office of a Contracting State, such State shall without delay transmit the application to the Office. Transmittal of the application to the Office shall be made on Form No. M 5. The applicant shall be notified of the transmittal on Form No. M 6.

Rule 5bis

Electronic Filing of Marks

- 5bis:1* A mark may be filed and processed in electronic form or by electronic means in accordance with the Administrative Instructions provided that the ARIPO Office or any Member States' Office shall permit the filing of applications on paper.
- 5bis:2* These regulations shall apply mutatis mutandis to all applications filed in electronic form or by electronic means subject to any special provisions of the Administrative Instructions.
- 5bis:3* The Administrative Instructions shall set up the provisions and requirements in the filing and processing of applications filed, in whole or in part in electronic form or by electronic means including, but not limited to, provisions and requirements in relation to acknowledgement of receipt, procedures relating to the according of a filing date, physical requirements and the consequences of non-compliance with those requirements, signature of documents, means of authentication of documents and of the identity of parties communicating with offices and applicants.
- 5bis:4* No Member State shall be obliged to receive or process ARIPO trademark applications filed in electronic form or by electronic means unless if the Member State has notified the ARIPO Office that it is prepared to do so in compliance with the applicable provisions of the Administrative Instructions.
- 5bis:5* No Member State which has given the ARIPO Office a notification under paragraph (iv) may refuse to process an application filed in electronic form or by electronic means which complies with applicable requirements under the Administrative Instructions.
- 5bis:6* Rule *5bis* shall apply mutatis mutandis to other corresponding documents relating to all ARIPO applications.

Rule 6

Formalities Examination by the Office

- 6:1 The Office shall examine whether the formal requirements of an application have been complied with. If the Office finds that the application does not comply with the said requirements, it shall notify the applicant, inviting him to comply with the requirements within 2 months. Such notification shall be made on Form No. M 4. If the applicant does not comply with the requirements within the specified period, the Office shall refuse the application.
- 6:2 If the Office refuses an application, the applicant may, within 3 months from the date of refusal, request that the application be treated in any designated State as an application according to the national law of that State. The request for conversion of the application to a national application shall be made on Form No. M 7.

Rule 6bis

Time Limits

- 6bis.1 The prescribed period referred to in Section 5bis:1 of the Protocol within which the applicant may request the Office to reconsider the matter shall be 2 months after the date of notification of the decision of the ARIPO Office that the application has been refused.
- 6bis:2 The applicant may lodge an appeal against decisions of the Office to the Board of Appeal within 3 months after the date of notification of the decision of the Office.

Rule 7

Representation of the Mark

- 7:1 The representation of the mark shall be affixed on Form No. M 1.
- 7:2 Where the mark consists of letters, words, numerals or punctuation signs and no special graphic features are claimed, the said elements may be reproduced by typewriter in the appropriate space in the form. One copy of the representation

of any other two-dimensional mark shall be affixed to the appropriate space in the form.

7:3 Where the mark is three-dimensional, the application shall contain an indication to that effect according to Section 3:4 of the Protocol.

7:4 The representation of the mark shall be clear and of a durable nature. It shall be capable of direct reproduction by photography, electrostatic processes, photo effect, microfilming and other electronic means of reproduction.

Rule 8

Right of Priority

8:1 An applicant for registration of a mark who wishes to avail himself of the priority of an earlier application filed in or for a Convention country shall, within 3 months of the date of filing, append to his application a written declaration indicating the date and number of the earlier application, the name of the applicant and the country in or for which he or his predecessor in title filed such application and furnish a copy of the earlier application certified as correct by the appropriate authority with which such earlier application was filed.

Rule 9

Later Designations

- 9:1 The application for a later designation as provided in Section 9 of the Protocol shall be made on Form No. M 3 and shall be subject to payment of the prescribed fee.
- 9:2 The Contracting State subject to a later designation shall examine the application for registration, which shall be contained in Form No. M 3, under its national laws.

Rule 10

Fees

- 10:1 An application for registration shall be subject to payment of the prescribed fee. The fees payable for application, registration, renewal and other matters incidental thereto are contained in Schedule I to these Regulations.
- 10:2 The distribution of fees between the Office and the States designated in the application shall be fifty percent to the Office and fifty percent to those designated States. The sharing of fees between designated States and the Office will apply only to those designated States which choose to do so.
- 10.3 Any Contracting State may declare that, in connection with each application filed under the Banjul Protocol, and in connection with the renewal of any such registration, it wants to receive, instead of a share in the fee charged by the ARIPO Office, a fee (hereinafter referred to as “the individual fee”) whose amount shall be indicated in a declaration, and can be changed in further declarations.
- 10.4 A contracting State that makes or has made a declaration under Rule 10.3 of the Protocol shall notify the Director General of the individual fee to be charged.
- 10.5 The individual fee received by the Contracting State may not be higher than the equivalent of the amount which the said Contracting State’s office would be entitled to in a national application.

Rule 11

Examination by a Designated State

- 11:1 An application that complies with the formal requirements shall without delay be transmitted by the Office to all the designated States for examination in accordance with the national laws of a designated State. The transmittal of applications shall be made on Form No. M 8 and the applicant shall be notified of such a transmittal to designated States on the same form.
- 11:2 The communication referred to under Section 6 of the Protocol shall be made on Form No. M 9 or Form M 9B whichever is applicable.
- 11:3 The applicant has 2 months to respond to Form M 9 which ARIPO shall communicate to the designated state without delay. The applicant's response should be done on Form M 9C.
- 11:4 The designated state has 2 months to respond to the communication, failure to which ARIPO shall proceed with the registration of the mark.

Rule 12

Duration and Renewal of Registration

- 12:1 The registration of a mark shall be for a period of 10 years from the filing date. The registration may be renewed for further periods of 10 years each on payment of the renewal fee.
- 12:2 The renewal fee shall be paid within 12 months preceding the date of expiration of the original registration or of the last renewal of the registration provided that a grace period of 6 months shall be allowed, in either case, on payment of a surcharge.

Rule 13

Changes in Registered Particulars

- 13:1 Request for the recording of change, such as, transfer, partial assignment for some of the goods and services or for some of the countries, cancellation of the registration, voluntary cancellation in respect of some of the countries

concerned, limitation of the list of goods and services, or change in the name and address of the owner, shall be presented in a single copy, dated and signed by the applicant or his representative on Form M 11.

- 13:2. The request for recording of change shall in all cases indicate-
- (i) the number of the mark concerned; and
 - (ii) the name and address of the owner of the registration or his representative.
- 13:3 When the change in ownership results from a contract, the Office may require that the request indicate that fact and be accompanied by one of the following:
- (i) a copy of the contract, which shall be certified by a notary public or any other competent public authority as being in conformity with the original contract;
 - (ii) an extract of the contract showing the change in ownership, which extract shall be certified by a notary public or any other competent public authority as being a true extract of the contract;
 - (iii) an uncertified certificate of transfer signed by both the holder and the new owner;
 - (iv) an uncertified transfer document signed by both the holder and the new owner;
- 13:4 The request shall be accompanied by the prescribed fees or an undertaking to pay such fees.

Rule 13bis

Restoration of a Mark

- 13bis.1 The registration of a mark which has not been renewed for non-payment of renewal fees and which has lapsed and has been removed from the Register may be restored at the request of the owner.
- 13bis.2 A request for restoration of a mark removed from the Register for non-payment of renewal fees shall be made on Form No. M 15 and shall be accompanied by a restoration fee. The request shall be made within 6 months of the removal of the mark from the Register.

Rule 14

**Registration of Licences, Assignments and Other
Similar Rights**

- 14:1 The Office shall register assignments, licences and other similar rights pertaining to marks registered or whose registration has been applied for under the Protocol.
- 14:2 However, where such assignments, licences, registered user or other similar rights affect only one Contracting State, an application to register such right may be made to the office of the Contracting State concerned or to the Office. Where the application to register such right has been made to the office of the Contracting State, the office shall, within 2 months of registration of such right, provide the Office with the particulars of such registration using Form No. M 13.
- 14:3 The registration of assignments, transmission or other form of transfer shall be made on Form No. M 15. The application to register a licence or other similar rights shall be made on Form No. M 16, while an application for registration of a registered user shall be made on Form No. M 17.

Rule 15

Registration and Publication

- 15:1 Registration of a mark shall entail recordal in the Register and publication of the mark in the ARIPO Journal. The following particulars shall be recorded in the Register of Marks in respect of each registered mark:
- (i) the number of the application;
 - (ii) the name and address of the owner of the registration;
 - (iii) the name and address of any authorized agent;
 - (iv) the date and number of registration;
 - (v) designated States;
 - (vi) any change with respect to the above; and
 - (vii) representation of the mark.

- 15:2 Every alteration, renewal of a registration, registration of licences, assignments and other similar rights pertaining to a mark shall be recorded in the Register and published in the Journal.
- 15:3 The applicant shall be issued with a Certificate of Registration, on Form No. M 12 and a copy of the certificate shall be transmitted to each designated State.

Rule 16

Amendment

- 16:1 These Regulations may be amended, at the instance of the Director General or of any ARIPO Member State which is a Contracting State, during the Administrative Council sessions.
- 16:2 The decision to amend these Regulations shall be by a simple majority of Contracting States.
- 16:3 Every amendment to these Regulations shall be notified to the Contracting States by the Director General.

Rule 17

General Provisions

- 17:1 Communications between the Office and the industrial property offices of Contracting States on matters relating to the Protocol and these Regulations shall be effected direct and by registered mail or any other safe/secure electronic means of communication.
- 17:2 Communications between the Office and the Courts or other authorities of Contracting States on matters relating to the Protocol and these Regulations shall be effected through the intermediary of the industrial property office of the said States.
- 17.3 At any stage of any proceedings before the Office, the Director General may direct that such documents, information or evidence as he may require shall be furnished within such period as he may fix.

- 17.4 The times or periods prescribed by the Protocol and these Regulations for doing any act or taking any proceeding thereunder may be extended by the Director General if he thinks fit, upon such terms as he may direct, and such extension may be granted although the time or period for doing such act or taking such proceeding has already expired.
- 17:5 The Director General of the Office may establish Administrative Instructions which shall deal with details in respect of the application of these Regulations. Administrative Instructions so established shall not be in conflict with the provisions of the Banjul Protocol and these Regulations.

**SCHEDULE I
FEES**

Part A: Fee Structure Declarations by Contracting States

This Part will be amended as and when a Declaration is made by a Contracting State to reflect the individual fee structure as declared by that State.



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Banjul Protocol Declaration of Individual Fee Structure by Contracting States

Individual Fee under Rule 10.3:

The Republic/Kingdom of

1. The Government of the Republic/Kingdom of has made the declaration referred to in new Rule 10.3 of the Banjul Protocol whereby it wants to receive an individual fee when the Republic/Kingdom of is designated in a regional application or in respect of the renewal of a regional registration designating the Republic/Kingdom of (instead of the 50% share of fees between the ARIPO Office and the Designated States as per Rule 10.2).
2. In accordance with Rule 10.3(1) of the Regulations for Implementing the Banjul Protocol, the Director General of the African Regional Intellectual Property Organization (ARIPO) has, after consultation with the Office of the Republic/Kingdom of, established the following amounts in United States dollars of the said individual fee:

Items		Amount (in US\$)
Application or Subsequent Designation	- for one class of goods or services	
	- for each additional class	
Renewal	- for one class of goods or services	
	- for each additional class	

3. The declaration concerning the individual fee made by the Republic/Kingdom of will enter into force on:

Official Stamp

Date:

SCHEDULE I
BANJUL PROTOCOL FEES
Part B: Regional Fees Structure

The Regional Fees will remain the same as indicated in the Table below.

	Matter or Proceeding	Amount of fee (US \$)	Corresponding Form
1.	Authorization of Agent (Power of Attorney)		No. M 2
2.	Application for Registration of a Mark		No. M 1
	(a) Paper filing	100.00	
	(b) Electronic filing (including 20% reduction)	80.00	
	(c) For one mark		
	(i) In one class per D/S	50.00	
	(ii) In every additional class per D/S	10.00	
	(d) For every additional mark		
	(i) In one class per D/S	50.00	
	(ii) In every additional class per D/S	10.00	
3.	Later Designation per D/S	100.00	No. M 3
4.	Registration fee:		
	(i) In one class per D/S	100.00	
	(ii) In every additional class per D/S	50.00	
5.	Certificate of Registration		No. M 12
6.	Request for Renewal of Registration of a Mark:		No. M 10
	(i) In one class per D/S	100.00	
	(ii) In every additional class per D/S	50.00	
7.	Additional Fee for Late Renewal:		
	(i) In one class	20%	
		surcharge	
	(ii) In every additional class	20%	
		surcharge	
8.	Application to Remove Mark from Register for Non-use or to Rectify a Register Entry	20.00	
9.	Application for Change of Representative	50.00	No. M 11

Banjul Protocol on Marks

10.	Application by Registered Proprietor to Strike out Goods or Services from those for which Mark is Registered per D/S	50.00	
11.	Request for correction of error(s), change(s), or alteration(s) of Application or Registered Mark:		No. M 11
	(a) For one class per D/S	50.00	
	(b) For every additional class per D/S	50.00	
12.	Restoration of a mark per D/S	100.00	No. M 14
13.	Application for Registration of Registered User:		
	(i) For one class per D/S	50.00	
	(ii) For every additional class per D/S	50.00	No. M 17
14.	Application by Registered Proprietor and Registered User of Mark to Vary Entry of Registered User:		
	(i) For one class per D/S	50.00	No. M11
	(ii) For every additional class per D/S	50.00	
15.	Application by Registered Proprietor and Registered User of Mark to Cancel Entry of Registered User:		
	(i) For one class per D/S	50.00	No. M17
	(ii) For every additional class per D/S	50.00	
16.	Request for Registrar's Certificate of Certified Copies of Entries in the Register of Documents or of Extracts	30.00	No. M18
17.	Inspection of the Register	20.00	
18.	Registration of assignments, transmission or other form of transfer		No. M15
	(i) For one class per D/S	50.00	
	(ii) For every additional class per D/S	50.00	
19.	Application to ARIPO to register a licence or other similar rights		
	(i) For one class per D/S	50.00	No. M16
	(ii) For every additional class per D/S	50.00	
20.	Request for conversion of application into national application	50.00	No. M7
21.	Request for classification of a trademark in accordance with the latest edition of the NICE Classification	50.00	
22.	Search Fee	50.00	

Banjul Protocol on Marks

- | | | |
|---|------------------------|---------|
| 23. Request for extension (extension is calculated from date the action is due) | 50.00 | No. M19 |
| 24. A surcharge per word for the goods listing of each class on any application after the 50 th word | 5.00 per word after 50 | |

**SCHEDULE II
FORMS**

Part A: List of Forms

Banjul Protocol on Marks

Form No. M	Title
1	Application for registration of a mark or of a series of marks
2	Appointment of representative/Power of attorney
3	Request for later designations
4	Notification of applicant to comply with formal requirements
4A	Notification of refusal of application on grounds of non-compliance with formal requirements
4B	Request to reconsider decision refusing application on grounds of non-compliance with formal requirements
4C	Request for priority documents
5	Transmittal of an application by receiving office to ARIPO Office
5B	Acknowledgement of receipt of application by ARIPO
6	Notification by receiving office of transmittal of application
7	Request for conversion of application under the Banjul Protocol into a national application
7B	Notification of transmittal by ARIPO Office of application and documents to designated state upon request for conversion into national application
8	Transmittal of an application by ARIPO Office to designated states
9	Communication by designated state that the registration shall have no effect on its territory (conditional acceptance) or refusal of application
9B	Communication by designated state of a notice of acceptance of an application
9C	Request to reconsider decision by designated state that registration shall have no effect on its territory (conditional acceptance) or refusal of application
10	Request for renewal of registration of a mark
11	Request for correction of error(s), change(s) or alteration(s)

Banjul Protocol on Marks

- | | |
|-----|--|
| 11B | Notice of abandonment or withdrawal of application or registration/Reduction of designated states and class(es) |
| 11C | Notification by the ARIPO Office of abandonment or withdrawal or lapse of application or registration/Reduction of designated states and class(es) |
| 12 | Certificate of registration |
| 13 | Notification by designated state of registration of licence, assignment, transmission or other similar right |
| 14 | Restoration of registration of a mark removed from register for non-payment of renewal fee |
| 14B | Notification of restoration of registration of a mark to the register |
| 15 | Registration by ARIPO Office of assignments, transmission or other form of transfer |
| 15B | Notice of recordal of assignment, licence, transmission or other form of transfer, change of applicant(s) details |
| 16 | Application to ARIPO Office to register a licence or other similar right |
| 17 | Application to ARIPO Office by registered proprietor and registered user of mark for registration or cancellation of registration of registered user |
| 18 | Request for copies of extracts from register or files |
| 19 | Request for extension of time limits |
| 19B | Grant of extension of time limit |

**SCHEDULE II
FORMS**

Part B: Description of Forms

Banjul Protocol on Marks

Form No. M 1 (contd.)

IV. DECLARATION OF PRESENTATION IN AN EXHIBITION

Check this box if the applicant wishes to take advantage of any declaration resulting from the presentation of goods and/or services in an exhibition. In that case, give the details on an additional sheet.

Date:

Place:

V. PRIORITY DECLARATION (if any)

The priority of (an) earlier application(s) is claimed as follows

The priority of more than one earlier application is claimed, the data are indicated in the supplemental box

Application No.	Country	Filing Date	DAS Control code	Class(es)

The certified copy of the earlier application accompanies this Form

The certified copy of the earlier application will be furnished within three months from the filing of this Form.

The English translation of the earlier application accompanies this Form

The English translation of the earlier application will be furnished within six months from the filing of this Form.

Form No. M 1 (contd.)

VI. REPRODUCTION OF THE MARK

The applicant wishes that the Office register and publish the mark in the standard characters used by it.

Banjul Protocol on Marks

Form No. M 1 (contd.)

Colour is claimed as a distinctive feature of the mark.

Name(s) of the colour(s) claimed:

Principal parts of the mark which are in that(those) colour(s):

The mark is three-dimensional.

Different views of the mark are attached.

Reproduction(s) of the mark in black and white is(are) attached.

Reproduction(s) of the mark in colour is(are) attached.

VII. TRANSLITERATION OF THE MARK

The mark or part of the mark is transliterated as follows:

VIII. TRANSLATION OF THE MARK

The mark or part of the mark is translated as follows:

IX. DESCRIPTION OF GOODS AND/OR SERVICES

Class(es) and names of the goods and/or services:

X. DECLARATION OF INTENTION TO USE OR ACTUAL USE; EVIDENCE OF ACTUAL USE

Check this box if a declaration is attached.

Check this box if evidence of actual use is attached.

XI. SIGNATURE OR SEAL

Name of the natural person who signs or whose seal is used:

Capacity of the natural person who signs or whose seal is used:

Applicant.

Representative.

Signature or seal:

Date:

XII. FEE

Amount of the fee paid in connection with the present application:

Method of payment:



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 2 BANJUL PROTOCOL <i>(Rule 5)</i></p> <p>To:</p>	<p>For Official Use</p> <p>Received on:</p> <hr/> <p>Applicant's or Representative's File Reference:</p>
---	--

APPOINTMENT OF REPRESENTATIVE/POWER OF ATTORNEY

I/We, the undersigned,

Name:

.....

Address:

.....

hereby appoint-

Name:

.....

Address:

.....

Telephone Number Telefacsimile Number(s)

to act as my/our representative in all proceedings relating to-

all existing and future applications and/or registrations of the applicant subject to any exception indicated on an additional sheet.

the following application(s) and/or registration(s):

.....

the application(s) concerning the following mark(s):

.....

the application(s) having the following application number(s) as well as any registration(s) resulting therefrom:

.....

Banjul Protocol on Marks

Other (specify)

.....
.....

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.

SIGNATURE(S)..... (Date)

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 3 BANJUL PROTOCOL <i>(Rule 9)</i></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p>For Official Use</p> <p>Received on:</p>
<p>Applicant's or Representative's File Reference:</p>	
<p>REQUEST FOR LATER DESIGNATIONS</p>	
<p>I. Application/Registration No.: <i>(delete whatever is not applicable)</i></p> <p>Classification:</p>	<p>Filing date:</p>
<p>II. Full name(s) of applicant(s), being-</p> <p>(i) registered proprietor or assignor and full business address</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>and/or</p> <p>(ii) assignee and full business address, nationality and occupation</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>also trading under the style of</p> <p>I/We hereby apply for territorial extension in the following country(s)</p> <p>.....</p> <p>.....</p> <p align="center">Dated this day of, 20.....</p> <p align="center">.....</p> <p align="center">Assignor(s)/Agent for Assignor(s)</p> <p align="center">.....</p> <p align="center">Assignee(s)/Agent for Assignee(s)</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 4 BANJUL PROTOCOL <i>(Rule 6:1)</i></p> <p>To:</p>	<p>For Official Use</p> <p>Received on:</p>
	<p>Applicant's or Representative's File Reference:</p>
<p>NOTIFICATION TO APPLICANT TO COMPLY WITH FORMAL REQUIREMENTS</p>	
<p>I. Application No.:</p> <p>Classification:</p>	
<p>II. APPLICANT(S)</p> <p>Name:</p> <p>Address:</p>	
<p>III. INVITATION</p> <p>[] After examination, pursuant to Section 5.2 and Rule 6.1, whether the above-identified application on the face of it fulfils formal requirements, the Office finds that the application on the face of it does not fulfil such requirements with respect to:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>and therefore hereby requests that the applicant(s), within months from the date of this invitation, file the outstanding document(s) as indicated above. Failure to do so shall result in the Office refusing the application.</p>	
<p>IV. SIGNATURE</p> <p align="center">Director General (Date)</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 4A BANJUL PROTOCOL (Section 5:2)</p> <p>To:</p>	<p style="text-align: center;">For Official Use</p> <p>Received on:</p> <hr/> <p>Applicant's or Representative's File Reference:</p>
<p>NOTIFICATION OF REFUSAL OF APPLICATION ON GROUNDS OF NON-COMPLIANCE WITH FORMAL REQUIREMENTS</p>	
<p>I. Application No.: Class(es):</p>	
<p>II. Applicant(s) Name Address:</p>	
<p>III. NOTIFICATION</p> <p>We hereby notify the applicant(s), pursuant to Section 5:2, that the ARIPO Office has decided to refuse the above-identified application on grounds of non-compliance with formality requirements because the applicant failed to respond to the invitation to comply with formality requirements as transmitted to the applicant on ARIPO Form No. M 4 dated</p> <p>We hereby notify the applicant(s), pursuant to Section 5:4, that, for the reasons stated below, the ARIPO Office has decided to refuse the above-identified application on grounds of non-compliance with formality requirements despite the observations and any amendment submitted by the applicant(s) (under cover of ARIPO Form No. M 4B dated in response to the invitation to submit observations and any amendments (transmitted to the applicant(s) on ARIPO Form No. M 4 dated):</p> <p style="text-align: center; margin-top: 20px;">ACCORDING TO SECTION 5:4, THE APPLICANT MAY, WITHIN 3 MONTHS FROM THE DATE OF THIS NOTIFICATION OF REFUSAL, REQUEST THAT THIS APPLICATION BE TREATED, IN ANY DESIGNATED STATE, AS AN APPLICATION ACCORDING TO THE NATIONAL LAWS OF THAT STATE AND/OR LODGE AN APPEAL WITH THE ARIPO BOARD OF APPEAL.</p>	
<p>IV. SIGNATURE (Date)</p> <p style="text-align: center; margin-top: 10px;">Director General</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 4B BANJUL PROTOCOL (Section 5.2)</p> <p>To*: Director General ARIPO Office P.O. Box 4228 HARARE Zimbabwe</p>	<p style="text-align: center;">For Official Use</p> <p>Received on:</p> <hr style="border: 1px solid black;"/> <p>Applicant's or Representative's File Reference:</p>
<p>REQUEST TO RECONSIDER DECISION REFUSING APPLICATION ON GROUNDS OF NON-COMPLIANCE WITH FORMAL REQUIREMENTS</p>	
<p>I. Application No.:</p> <p>Class(es):</p>	
<p>II. APPLICANT(S)</p> <p>Name</p> <p>Address:</p>	
<p>III. REQUEST</p> <p>The above-identified applicant(s), in response to the notification of the decision refusing the above-identified application for registration of a mark on grounds of non-compliance with formal requirements (transmitted on ARIPO Form No. M 4, dated), hereby request(s), pursuant to Section 5.2, that the ARIPO Office reconsider its decision for the following reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>IV. SIGNATURE..... (Date)</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Form No. M 4C BANJUL PROTOCOL To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe	For Official Use
	Received on:
Applicant's or Representative's File Reference:	
REQUEST FOR PRIORITY DOCUMENTS	
I. Application No.: Classification:	Filing date:
II. APPLICANT(S) Name: Address:	
III. REQUEST: The above identified applicant(s) hereby request a copy of the priority document for the following Mark application	
IV. SIGNATURE..... DATE:.....	



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 5 BANJUL PROTOCOL <i>(Rule 6:2)</i></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p>For Official Use</p> <p>Received on:</p>
TRANSMITTAL OF AN APPLICATION BY RECEIVING OFFICE TO ARIPO OFFICE	
<p>I. Application No.:</p> <p>Classification:</p>	
<p>II. APPLICANT(S)</p> <p>Name:</p> <p>Address:</p>	
<p>III. TRANSMITTAL</p> <p>We hereby transmit to the ARIPO Office the documents making up the above-identified application.</p> <p>Furthermore, we-</p> <p>(i) <input type="checkbox"/> have verified that the application on the face of it fulfilled the formal requirements on(date), being-</p> <p style="padding-left: 40px;"><input type="checkbox"/> the date of its receipt/ <input type="checkbox"/> the date on which corrections were received;</p> <p>(ii) <input type="checkbox"/> have found that the application on the face of it does not fulfil the formal requirements;</p> <p>(iii) <input type="checkbox"/> have verified that the undertaking with respect to fees has been submitted;</p> <p>(iv) <input type="checkbox"/> have verified that the fees have been paid and a receipt issued therefor;</p> <p>(v) have issued to the applicant's representative an acknowledgement of receipt of the application.</p>	
<p>IV. SIGNATURE DATE:.....</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Form No. M 5B BANJUL PROTOCOL To:	For Official Use Received on:
	Applicant's or Representative's File Reference:
ACKNOWLEDGEMENT OF RECEIPT OF APPLICATION BY ARIPO	
I. Application No.: Classification: Name of Mark/Device: Designated States:	
II. APPLICANT(S) Name: Address:	
III. NOTIFICATION We hereby notify the applicant(s) that the documents making up the above-identified application have been received by the ARIPO Office on	
IV. SIGNATURE..... Director General (Date)	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Form No. M 6 BANJUL PROTOCOL <i>(Rule 6:2)</i> To:	For Official Use
	Applicant's or Representative's File Reference:
NOTIFICATION BY RECEIVING OFFICE OF TRANSMITTAL OF APPLICATION	
I. Application No.: Classification:	
II. APPLICANT(S) Name: Address:	
III. NOTIFICATION We hereby notify the applicant(s) that the documents making up the above-identified application have been transmitted to the ARIPO Office on (date)	
IV. SIGNATURE (Date)	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 7 BANJUL PROTOCOL <i>(Rule 6:3)</i></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p>For Official Use</p> <p>Received on:</p>
<p>Applicant's or Representative's File Reference:</p>	
<p>REQUEST FOR CONVERSION OF APPLICATION UNDER THE BANJUL PROTOCOL INTO A NATIONAL APPLICATION</p>	
<p>I. Application No.:</p> <p>Classification:</p>	<p>Filing date:</p>
<p>II. APPLICANT(S)</p> <p>Name:</p> <p>Address:</p>	
<p>III. REQUEST</p> <p>In view of the fact that the above application was refused, I/we hereby request(s) that the above-identified application be treated in each of the following designated States as an application according to the national laws of that State and that, within 2 weeks from receiving this request, the ARIPO Office transmit the documents to the industrial property office of each designated State herein specified:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>IV. SIGNATURE..... (Date)</p>	
<p>V. FEES</p> <p>Amount of fees paid in connection with this application:.....</p> <p>Method of payment:.....</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 7B BANJUL PROTOCOL (Rule 6.3)</p> <p>To:</p>	<p align="center">For Official Use</p> <p>Received on:</p> <hr/> <p>Applicant's or Representative's File Reference:</p>
<p>NOTIFICATION OF TRANSMITTAL BY ARIPO OFFICE OF APPLICATION AND DOCUMENTS TO DESIGNATED STATE UPON REQUEST FOR CONVERSION INTO NATIONAL APPLICATION</p>	
<p>I. Application No.:</p> <p>Classification:</p>	<p>Filing date:</p>
<p>II. APPLICANT(S)</p> <p>Name:</p> <p>Address:</p>	
<p>III. TRANSMITTAL</p> <p>In response to the applicant's request, submitted on ARIPO Form No. M 7, that the above identified application be treated in(designated state) as an application according to the national law of that designated State, we hereby transmit to you, pursuant to Rule 6:3, the following documents attached hereto:</p> <p>[] copy of ARIPO Form No. M 7</p> <p>[] copy of the above-identified application</p> <p>[] Other(s) specify:</p> <p>.....</p>	
<p>IV. SIGNATURE..... (Date)</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Form No. M 8 BANJUL PROTOCOL <i>(Rule 11:1)</i> To:	For Official Use
	Received on:
	Applicant's reference:
TRANSMITTAL OF AN APPLICATION BY ARIPO OFFICE TO DESIGNATED STATES	
I. Application No. : Classification:	
II. APPLICANT(S) Name: Address:	
III. TRANSMITTAL We hereby transmit the documents making up the above-identified application to the following designated States: Each designated State is required to cause an examination as provided under Section 6 of the Banjul Protocol and Rule 2 and to submit any objections to registration within 9 months from the date of transmittal.	
IV. SIGNATURE Director General	
..... (Date)	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 9 BANJUL PROTOCOL <i>(Rule 11:2)</i></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p align="center">For Official Use</p> <p>Received on:</p>
<p>COMMUNICATION BY DESIGNATED STATE THAT THE REGISTRATION SHALL HAVE NO EFFECT ON ITS TERRITORY (CONDITIONAL ACCEPTANCE) OR REFUSAL OF APPLICATION</p>	
<p>I. Application No.: _____</p> <p>Classification: _____</p>	<p>Filing date: _____</p>
<p>II. APPLICANT(S)</p> <p>Name: _____</p> <p>Address: _____</p>	
<p>III. COMMUNICATION</p> <p><input type="checkbox"/> Have no effect (Conditional Acceptance)</p> <p><input type="checkbox"/> Refusal</p> <p>On behalf of (designated State), we hereby communicate to the ARIPO Office that, if the said Office registers the mark of the above-identified application, the said registration shall have no effect or is refused in the territory of (designated State) for the following reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>IV. SIGNATURE..... (Date)</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Form No. M 9B BANJUL PROTOCOL To: Director General ARIPO Office P O Box 4228 HARARE ZIMBABWE	For Official Use Received on:
	Applicant's or Representative's File Reference:
COMMUNICATION BY DESIGNATED STATE OF A NOTICE OF ACCEPTANCE OF AN APPLICATION	
I. Application No.: Classification:	
II. APPLICANT(S) Name: Address:	
III. REPRODUCTION OF A MARK	
IV. CLASSIFICATION	
V. COMMUNICATION: Notice is hereby given that in terms of the laws of (designated State), the above identified application has been examined and is acceptable for registration in-(designated State)	
VI. SIGNATURE..... (Date)	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 9C BANJUL PROTOCOL <i>(Rule 11:2)</i></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p align="center">For Official Use</p> <p>Received on:</p>
<p>REQUEST TO RECONSIDER DECISION BY DESIGNATED STATE THAT REGISTRATION SHALL HAVE NO EFFECT ON ITS TERRITORY (CONDITIONAL ACCEPTANCE) OR REFUSAL OF APPLICATION</p>	
<p>I. Application No.:</p> <p>Class(es):</p>	<p>Filing date:</p>
<p>II. APPLICANT(S)</p> <p>Name:</p> <p>Address:</p>	
<p>III. REQUEST</p> <p><input type="checkbox"/> Have No Effect (Conditional Acceptance)</p> <p><input type="checkbox"/> Refusal</p> <p><input type="checkbox"/> The above-identified applicant(s), in response to the notification of the above referred decision which was transmitted on ARIPO Form No. M 9 (dated), hereby request(s) the ARIPO Office, pursuant to Section 6.4, to reconsider its decision for the following reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>IV. SIGNATURE..... (Date)</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 10 BANJUL PROTOCOL <i>(Rule 12)</i></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p>For Official Use</p> <p>Received on:</p> <p>Applicant's or Representative's File Reference:</p>
REQUEST FOR RENEWAL OF REGISTRATION OF MARK	
<p>I. Registration No.:</p> <p>Classification:</p>	
<p>II. I/We,</p> <p>.....</p> <p>of</p> <p>hereby transmit the prescribed fee of for the renewal of the registration of the mark No., in Class (together with the additional prescribed fee of) and request that notice of renewal of the registration may be sent to me/us at the following address:</p> <p>.....</p> <p>.....</p> <p>Dated this day of, 20</p> <p align="center">..... Proprietor(s)/Agent for proprietor(s)</p>	
<p>III. DESIGNATED STATES</p> <p>.....</p> <p>.....</p>	
<p>IV. FEES</p> <p>Amount of fees paid in connection with this application:.....</p> <p>Method of payment:.....</p>	

Banjul Protocol on Marks



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

<p>Form No. M 11 BANJUL PROTOCOL <i>(Rule 13:1)</i></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p style="text-align: center;">For Official Use</p> <p>Date of Receipt:</p> <p>FILING DATE:</p>
<p style="text-align: center;">Applicant's or Representative's File Reference:</p>	
<p>REQUEST FOR CORRECTION OF ERROR(S), CHANGE(S) OR ALTERATION(S)</p>	
<p>I. Application / Registration No.: <i>(delete whatever does not apply)</i></p> <p>Classification:</p>	
<p>II. APPLICANT(S)</p> <p>Name:</p> <p>Address:</p> <p>Nationality:</p> <p>Country of residence or principal place of business:</p> <p>Telephone Number: Telefacsimile Number:</p>	
<p>III. REPRESENTATIVE</p> <p>Name:</p> <p>Address:</p> <p>Telephone Number: Telefacsimile Number:</p>	
<p>IV. CORRECTION OF ERROR(S)</p> <p>Data to be corrected:</p> <p>Data as corrected</p>	
<p>V. RECORDAL OF THE CHANGE(S) IN NAMES OR ADDRESS(ES)</p> <p>Data to be corrected:</p> <p>Data as corrected</p>	

Banjul Protocol on Marks

Form No. M 11 (contd.)

VI. CHANGE IN OWNERSHIP

- The change in ownership results from a contract. The following document(s) is/are enclosed:
 - a copy, certified as being in conformity with the original, of the contract.
 - an extract, certified as being a true extract, of the contract.
 - a certificate of transfer.
 - a transfer document.

- the change in ownership results from a merger. A copy, certified as being in conformity with the original, of the following document, evidencing the merger, is enclosed:
 - extract from the register of commerce.
 - other document originating from the competent authority.

- The change in ownership does not result from a contract or a merger.
 - A copy, certified as being in conformity with the original, of a document, evidencing the change is enclosed.

New Owner(s)

- If the new owner is a natural person, the person's family name and address is as follows:-
.....

- If the new owner is a legal entity, the entity's full official designation:
Address (including postal code and country):
.....
Telephone number(s): Telefacsimile number(s):

VII. REPRESENTATIVE OF THE NEW OWNER(S)

- The new owner is not represented.

- The new owner is represented.
The representative
.....
Name:
Address:
Telephone number(s):.....Telefacsimile number(s):

- The power of attorney is already in the possession of the Office
- The power of attorney is attached.
- The power of attorney will be furnished at a later date.
- No power of attorney is needed.

Banjul Protocol on Marks

Form No. M 11 (contd.)

VIII. FEES

Amount of the fee paid in connection with the present request for correction:

Method of payment:

Dated this day of 20.....

Signature:

Proprietors/Agents for Proprietors

Banjul Protocol on Marks

Form No. M 11B (contd.)

V. SIGNATURE(S) (Date)

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 11C BANJUL PROTOCOL (Rule 13)</p> <p>To:</p>	<p align="center">For Official Use</p> <p>Date of Receipt:</p> <p>FILING DATE:</p>
<p align="center">Applicant's or Representative's File Reference:</p>	
<p>NOTIFICATION BY THE ARIPO OFFICE OF ABANDONMENT OR WITHDRAWAL OR LAPSE OF APPLICATION OR REGISTRATION/REDUCTION OF DESIGNATED STATES AND CLASS(ES)</p>	
<p>I. Application / Registration No.: <i>(delete whatever does not apply)</i></p> <p>Class(es):</p>	
<p>II. APPLICANT(S)</p> <p>Name:</p> <p>Address:</p>	
<p>III. NOTIFICATION:</p> <p>Further to ARIPO Form No. M 11B dated, we hereby advise that mark registration/application No.....has been–</p> <p><input type="checkbox"/> marked abandoned</p> <p><input type="checkbox"/> marked withdrawn</p> <p><input type="checkbox"/> endorsed with a reduction of designated States to</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> endorsed with a reduction of class(es) to</p> <p>.....</p> <p>This notification is being sent to the following designated States:</p> <p>.....</p>	
<p>IV. SIGNATURE(S)..... (Date)</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 13 BANJUL PROTOCOL <i>(Rule 14:2)</i></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p>For Official Use</p> <p>Received on:</p>
<p>NOTIFICATION BY DESIGNATED STATE OF REGISTRATION OF LICENCE, ASSIGNMENT, TRANSMISSION OR OTHER SIMILAR RIGHT</p>	
<p>I. Application No.: Classification.:</p>	
<p>II. NOTIFICATION</p> <p>I/We hereby notify you that a licence/assignment/transmission/..... (other similar right) pertaining to the above-identified matter has been registered, as required by our national laws, and provide you with the following particulars with respect thereto:</p> <p><input type="checkbox"/> copies of the items/particulars recorded, including copies of the documents registered therewith (specify)</p> <p>..... </p>	
<p>III. ADDITIONAL INFORMATION OR COMMENTS</p>	
<p>IV. SIGNATURE..... (Date)</p>	
<p>V. FEES</p> <p>Amount of fees paid in connection with this notification: Method of payment:</p>	

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 14 BANJUL PROTOCOL <i>(Rule 13bis 2)</i></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p style="text-align: right;">For Official Use</p> <p>Received on:</p> <p>Applicant's or Representative's File Reference:</p>
<p>REQUEST FOR RESTORATION OF REGISTRATION OF A MARK REMOVED FROM REGISTER FOR NON-PAYMENT OF RENEWAL FEE</p>	
<p>I. Registration No.: _____ Date of Registration: _____</p> <p>Classification: _____</p>	
<p>II. I/We,</p> <p>.....</p> <p>of</p> <p>.....</p> <p>hereby transmit the additional fee of for the restoration to the Register of a mark</p> <p>Registration No. in Class(es)</p> <p>Dated this day of 20.....</p> <p style="text-align: right;">.....</p> <p style="text-align: right;">Proprietor(s)/Agent for proprietor(s)</p>	
<p>III. FEES</p> <p>Amount of fees paid in respect of this restoration:</p> <p>Method of payment:</p>	



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

Form No. M 14B BANJUL PROTOCOL (Rule 13bis) To:	For Official Use Received on:
	Applicant's or Representative's File Reference:
NOTIFICATION OF RESTORATION OF REGISTRATION OF A MARK TO THE REGISTER	
I. Registration No.: Classification:	Date of Registration:
II. APPLICANT(S) Name: Address	
III. RESTORATION: Further to Form No. M 14 dated, we hereby advise that Mark Registration /Application No. has been restored with effect from	
IV. SIGNATURE..... (Date)	

Banjul Protocol on Marks

Form No. M 15 (contd.)

V. REPRESENTATIVE OF NEW APPLICANT(S)/OWNER(S) (IF ANY)

The following representative has been appointed by the new applicant(s)/owner(s) in the power of attorney on Form No. M 2:

- accompanying this Form/
- to be filed within 2 months from the filing of this Form

Name:

Address:

Telephone Number

Telefacsimile

VI. ADDITIONAL INFORMATION

The following items accompany this Form:

- the original or a certified copy of the assignment, signed by or/on behalf of the contracting parties
- other documents evidencing the change of ownership (specify)
- other (specify).....

VII. SIGNATURE(S)

..... (Date)

(New Applicant(s)/Owner(s)/Representative
for New Applicant(s)/Owner(s))

(in case of assignment also)

..... (Date)

VIII. FEES

Amount of fees paid in connection with this application:

Method of payment:

Banjul Protocol on Marks

Form No. M 16 (contd.)

VI. SIGNATURE(S) (Date).....
(Applicant(s)/Owner(s) as Licensor(s)/
Representative for Licensor(s)

VII. FEES

Amount of fees paid in connection with this application:

Method of payment:

Banjul Protocol on Marks



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

<p>Form No. M 17 BANJUL PROTOCOL <i>(Rule 14:3)</i></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p align="center">For Official Use</p> <p>Received on:</p> <p>Applicant's or Representative's File Reference:</p>
<p>APPLICATION TO ARIPO OFFICE BY REGISTERED PROPRIETOR AND REGISTERED USER OF MARK FOR REGISTRATION OR CANCELLATION OF REGISTRATION OF REGISTERED USER</p>	
<p>I. Application No.: _____ Filing date: _____ Registration No.: _____</p>	
<p>II. <i>(To be accompanied by an affidavit made by the proprietor, or by some person authorized to act on his behalf)</i></p> <p>Application is hereby made by</p> <p>..... who is/are the registered proprietor(s) of mark(s) No(s)</p> <p>..... registered in Class(es), that</p> <p>..... of</p> <p>.....</p> <p>trading as</p> <p>who hereby joins in the application may be registered as a registered user of the above-numbered registered mark(s) in respect of</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>subject to the following conditions or restrictions:</p> <p>.....</p> <p>.....</p> <p>.....</p>	

Banjul Protocol on Marks

Form No. M 17 (contd.)

The proposed permitted use is to end on theday of, 20..... /The proposed permitted use is without limit of period.

The proposed registered user will/will not be the sole user.

Dated this day of, 20.....

.....

Applicant(s)/Agent for applicant(s)

Banjul Protocol on Marks

Form No. M 18 (contd.)

III. REQUEST

I/We hereby request that I/we be supplied with (number) copies of the following extract(s):

.....
.....

from the Marks Register files

relating to-

Mark Application No.:

Filing date:

Registered Mark No.:

Date of registration:

IV. SIGNATURE(s)..... (Date)

V. FEE

Amount of the fee paid for the request:

Method of payment:

Banjul Protocol on Marks



AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

<p>Form No. M 19 BANJUL PROTOCOL</p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p align="center">For Official Use</p> <p>Date of Receipt:</p> <p>FILING DATE:</p> <hr/> <p>Applicant's or Representative's File Reference:</p>
REQUEST FOR EXTENSION OF TIME LIMIT	
<p>I. IN THE MATTER OF:</p> <p>Application for registration of Mark No.: _____ Registered Mark No: _____</p>	
<p>II. PERSONS REQUESTING:</p> <p>Name (s): _____</p> <p>In the capacity of: _____</p> <p>Address: _____</p> <p>Nationality: _____</p> <p>Telephone Number: _____ Facsimile Number: _____</p> <p>Mobile Number: _____ E-mail: _____</p>	
<p>III. REQUEST</p> <p>I/We hereby request for an extension of time until (Date) to lodge/respond to the following:</p> <p><input type="checkbox"/> Form No.</p> <p><input type="checkbox"/> Deed of assignment</p> <p><input type="checkbox"/> Other (Specify).....</p> <p><input type="checkbox"/> Enclosed/Attached is our fee of \$50.00 (or attach proof of payment)</p> <p><input type="checkbox"/> The fee of \$50.00 will be lodged within 21 days from date of submission of request.</p>	
<p>IV. SIGNATURE(S) (Date).....</p>	



ARIPO Office
11 Natal Road, Belgravia
P.O. Box 4228, Harare, Zimbabwe

Tel: (+263) (4) 794054/65/66

Mobile: (+263) (0) 731 559 987, 731 020 609,
(+263) (0) 715 837 323

Fax: (+263) (4) 794072/3

Email: mail@aripo.org

Website: www.aripo.org