

countries, scientific theories, mathematical methods, plant or animal varieties, discoveries of natural substances, commercial methods, or methods for medical treatment (as opposed to medical products) are generally not patentable.

Who grants patents?

A patent is granted by a national patent office or by a regional office that does the work for a number of countries, such as the African Regional Intellectual Property Organization (ARIPO) and the European Patent Office (EPO). Under such regional systems, an applicant requests protection for the invention in one or more countries, and each country decides as to whether to offer patent protection within its borders.

The Patent Cooperation Treaty (PCT), which is administered by the World Intellectual Property Organization (WIPO), provides for the filing of a single international patent application which has the same effect as national applications filed in the designated countries once the national phase, undertaken by ARIPO and the EPO for many of their member states, ends in a patent grant. An applicant seeking protection may file one application and request protection in as many signatory states as needed.

ARIPO

ARIPO is mandated to grant patents on behalf of the Harare Protocol Contracting States in accordance with the provisions of the Harare Protocol on Patents, Designs and Utility Models. States currently party to the protocol are: *Botswana, The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mozambique, Namibia, Rwanda, São Tomé and Príncipe, Sierra Leone, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.*

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PATENTS



What is a Patent?

It is a sole right given to an inventor to make, use, or sell his/her invention for a limited period in exclusion of unauthorized competitors.

What kind of protection does a patent offer?

Patent protection means that the invention cannot be commercially made, used, distributed or sold without the patent owner's consent. These patent rights are usually enforced in a court, which, in most systems, holds the authority to stop patent infringement. Conversely, a court can also declare a patent invalid upon a successful challenge by a third party.

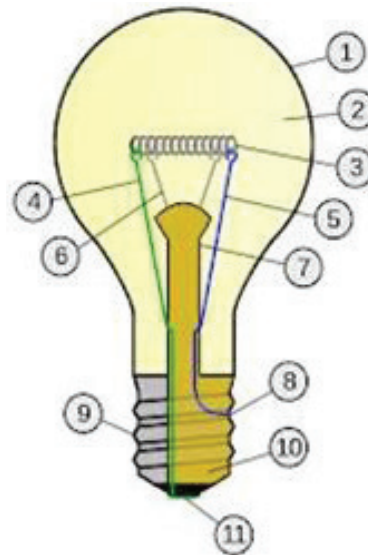
What rights does a patent owner have?

A patent owner has the right to decide who may - or may not - use the patented invention for the period in which the invention is protected. The patent owner may give permission to, or license, other parties to use the invention on mutually agreed terms. The owner may also sell the right to the invention to someone else, who will then become the new owner of the patent.

Once a patent expires, the protection ends, and an invention enters the public domain. This means that the owner no longer holds exclusive rights to the invention, which becomes available to commercial exploitation by others.

Why are patents necessary?

Patents provide incentives to individuals by offering them recognition for their creativity, financial investment in research & development (R&D) and



material reward for their marketable inventions. These incentives encourage innovation, which assures that the quality of human life is continuously enhanced.

What role do patents play in everyday life?

Patented inventions have, in fact, pervaded every aspect of human life, for example, from electric lighting (patents held by Edison and Swan) and plastic (patents held by Baekeland), to ballpoint pens (patents held by the Biro brothers) and microprocessors. All patent owners are obliged, in return for patent protection, to publicly disclose information on their invention in order to enrich the total body of technical knowledge in the world.

Such an everincreasing body of public knowledge promotes further creativity and innovation in others. In this way, patents provide not only protection for the owner but valuable information and inspiration for future generations of researchers and inventors.

How is a patent granted?

The first step in securing a patent is the filing of a patent application. The patent application is comprised of various documents required by the applicable law. The most important of these is the specification. This document identifies the invention by providing its title (including an indication of its technical field) and a full description (made out in so clear a layout as to aid a person skilled in the field to reproduce the invention) which may include drawings of the invention. The specification ends with one or more "claims", that is, the information which determines the extent of the matter in the invention claimed as new and which define(s) boundaries of patent protection, when a patent is granted.

What kinds of inventions can be protected?

An invention must, in general, fulfil the following conditions in order to qualify for a patent grant. Firstly, it must be of practical use. Secondly, it must show an element of novelty, that is, some new characteristic which is not known in the body of existing knowledge in its technical field. This body of existing knowledge is called "prior art". Thirdly, the invention must show an inventive step which could not be deduced by a person with an average knowledge of the technical field.

Finally, its subject matter must be accepted as "patentable" under law. In many

