



## Procedure for Filing an Application and Registration for Industrial Designs at ARIPO

ARIPO  
Harare, Zimbabwe 2024

### Administration of Industrial Designs

Industrial design registration at ARIPO is administered under the Harare Protocol on Patents and Industrial Designs.

### Applicant

Applicant is the name in which the application is being filed. It could be the creator, or some other person who has acquired the right to apply for registration, or both the creator and such other person.

### Who Can File?

An ARIPO application may be filed by any qualified natural person or authorized representative.

### Representative

Representative means an attorney, agent or legal practitioner duly recognized by the national industrial property office of the contracting state as having the right to represent the applicant in proceedings before it. Where the applicant is ordinarily resident or has his/her principal place of business within a contracting state then there would be no need for representation. However, if the applicant does not meet this criterion, he/she must always be represented.

The appointment of a representative is confirmed by the issuance of a power of attorney by the applicant in favour of the representative.

### Filing Requirements

To be considered complete and in order, an ARIPO design application must contain the following set of documentation:

- a fully completed request for regis-

tration of the design form (Form 28),

- a reproduction of the industrial design to be registered,
- a designation of at least one contracting state in respect of which protection of the industrial design is sought, and
- fees payment or an undertaking to pay the fees within 21 days.

### Filing an Application

Applications can be filed directly at ARIPO by:

- e-filing,
- e-mail,
- in person,
- registered mail, or
- courier.

Applications can also be filed through a contracting state.

### ARIPO Online Service

The ARIPO Office's online services platform allows applicants, attorneys, agents and other users to conduct their ARIPO business electronically. This facility allows for online filing of industrial property applications, online payment of fees, exchange of notifications and documents, downloading the ARIPO Industrial Property Journal and general tracking of filed applications. The online services can be accessed at [eservice.aripo.org](https://eservice.aripo.org) or from the ARIPO website [www.aripo.org](http://www.aripo.org) or by contacting ARIPO at [registry@aripo.org](mailto:registry@aripo.org).

The online application comes with a 20% reduction of the application fee.

### Verification and Transmittal of Application

Where the application is filed with the

national industrial property office of a contracting state, it is incumbent upon that office to inspect the application and verify that on the face of it, it contains the request for registration form, and a reproduction of the design.

### Subsequent Documents

Any documents submitted by the applicant after the transmittal of the application to ARIPO, must be filed directly with the ARIPO Office.

### Examination of the Application on Filing

Upon receipt of the application, the ARIPO Office undertakes an immediate examination of the application in order to accord the application a filing date.

### Filing Date

Where the ARIPO Office is satisfied with the application, it will proceed to give the application a filing date. The Office will immediately notify the applicant and each designated state of the filing.

### Examination as to Formality Requirements

The ARIPO Office will undertake a formal examination of the documents making up the application to ascertain whether these comply with the prescribed requirements as to form, nature and content. Formality examination entails checking that-

- the working language is English;
- the Request Form is diligently completed and signed;
- a valid power of attorney accompanies the application;
- a valid priority declaration is attached where necessary;

- designation of the creator of the design is made known if he/she is not the same as the applicant;
- designation of states with respect to which protection of the industrial design is sought is contained;
- proof of fees payment or a written undertaking to pay the prescribed fees is attached; and
- the application is accompanied by a graphic reproduction of the industrial design being sought for registration.

### Correction and Withdrawal of Application

Where the ARIPO Office finds that the application does not comply with any of the prescribed formalities, it will invite the applicant to rectify the deficiencies within the prescribed time limits.

### Appeal and Conversion

Where the ARIPO Office still refuses the application after reconsideration, the applicant may either lodge an appeal with the ARIPO Board of Appeal or request that the Office convert the application into a national application proceeding under the laws of one or more states among the designated states.

### Withdrawal

The applicant may withdraw the application during its pendency by submission of a written declaration on an appropriate form and signed by the applicant. The ARIPO Office will upon receipt of the declaration of the withdrawal of application, transmit a copy thereof to the industrial property office of each of the designated states. Where the application is withdrawn and the application fees had already been paid, there would not be any refund of said fees.

### Substantive Examination

Where the ARIPO Office finds that the application complies with formal requirements, it will notify the applicant and each of the designated states of this fact and invite them to conduct a substantive examination within 6 months in accordance with requirements of the national laws. Should the application meet these requirements, the applicant is notified of the decision to register the design.

In the case where the applicant fails to meet the requirements, the applicant is invited to amend the application within a specified period. The application may be refused if the applicant fails to comply with the requirements. Where the application has been accepted, all the designated states are notified of the impending intention to register and if any state objects to the registration it must notify the ARIPO Office within 6 months that any registration ensuing from the application will have no effect in its territory.

### Registration of Industrial Design

At the expiry of the 6 months examination period, the Office will proceed to publish the application as accepted for 3 months and then proceed to register the industrial design with respect to those designated states from which no written objection was received. The registration of the industrial design entails-

- Recordal of the reproduction of the industrial design in the ARIPO Industrial Design Register and the contracting states with respect to which it has been registered
- Publication of the industrial design in the ARIPO Journal

- Issuance of the Certificate of Registration in which copies are sent to applicant and each of the designated states with respect to which registration has been effected.

### Effect of Registration

The duration of registration of an industrial design is 10 years from date of filing. This can be extended to 15 years for those states that provide for such a duration.

### Re-Establishments of Rights

An applicant who, despite 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 the deeming of the application to have been withdrawn, or the loss of any other right or means of redress. The request to re-establish the rights shall be granted on condition that the requirements laid down have been met and the legal consequences of the failure to observe the time limit shall be deemed not to have ensued.

### Main Fees

TYPE OF FEE	AMOUNT (USD)
Application fee	\$50 (paper filing)
	\$40 (online filing)
Designated fee per state	\$10
Renewal fee per state per year	\$10 (increments by \$2 from 1-5 years,
	\$4 from 6-10 and by
	\$5 every year thereafter)
Registration and publication fee	\$75

### Payment of Fees in Local Currency

Nationals of a contracting state can pay the prescribed fees in their local currency equivalent to the prescribed fee through their industrial property office.

### Contracting States

Out of the 22 Member States of ARIPO, 20 states can be designated. These contracting states are as follows:

Botswana	Cape Verde	Eswatini	The Gambia
Ghana	Kenya	Lesotho	Liberia
Malawi	Mozambique	Namibia	Rwanda
São Tomé & Príncipe	Seychelles	Sierra Leone	Sudan
Uganda	United Rep. of Tanzania	Zambia	Zimbabwe



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