



Procedure for Filing an Application and Granting of a Patent or Utility Model at ARIPO Office

Filing an Application

Applications may be filed by the applicant (who can be an inventor or his/her assignee) or by his or her authorized representative (attorney, agent, or legal practitioner) who has the right to represent the applicant before an industrial property office of any of the Harare Protocol contracting states. Representation is mandatory for applicants who are not resident or whose principal place of business is not situated in a contracting state.

The applicant must submit the following:

- a completed ARIPO Form 3 (Request form);
- a description of the invention;
- one or more claims;
- one or more drawings (if any);
- an abstract;
- prescribed application fees or a written undertaking to lodge the fees; and
- designation of at least one state.

Applications can be filed directly at ARIPO by:

- e-filing
- e-mail
- in person
- registered mail
- courier

An application can also be filed through the IP Office of a contracting state.

ARIPO Online Service

The ARIPO Office has introduced online services to allow 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 notification and documents, downloading the ARIPO industrial property journal and general tracking of filed applications. The online services can be accessed at eservice.aripo.org or from the ARIPO website www.aripo.org or by contacting ARIPO at registry@aripo.org.

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

Formality Examination

Upon receipt of the application, the ARIPO Office undertakes an examination of the application to check for compliance with filing requirements. This is undertaken in order to accord the application a filing date.

The ARIPO Office will undertake a formal examination of the documents making up the application to ascertain whether these comply with the prescribed formal requirements.

Applicants are also required to adhere to prescribed time limits.

Request for Substantive Examination

An applicant is required to request for substantive examination of the patent application within 3 years from the date of filing or earliest date of priority where it is claimed. The request shall be deemed to have been filed when the request for substantive examination fee has been paid. Where no request is made within the prescribed period, the application shall be deemed to have lapsed.

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.

Expedited/ Accelerated/ Delayed Examination

Subject to meeting prescribed provisions, the applicant may request for an expedited/ accelerated/ delayed examination of an application.

Decision to Grant/ Refuse

Should the application meet these requirements, the applicant and designated states are notified of the decision to grant the ARIPO patent. Each designated state should, within 6 months of the notification, make written communication to the ARIPO Office expressing its objection or acceptance to the grant or registration.

The ARIPO Office may refuse to accept an application due to non-compliance with the prescribed formal or substantive requirements.

Request for Reconsideration and Amendment of Application

If the application fails to meet the requirements, the applicant is invited to amend the application within a specified period. The applicant may, within 2 months of the decision to refuse, and on good grounds being given, request that the Office reconsiders its decision.

Appeal or Conversion

Where the ARIPO Office still refuses the application after reconsideration and or amendment, 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.

Registration, Publication and Effect

At the expiration of 6 months following the communication to designated states of the Office's intention to grant/ register a patent/ utility model, the Office will proceed to issue the right in respect to those designated states from where no written objection was received. The new right so granted/registered will be entered on the Office's register and a certificate issued. In addition to the register, it is published in the ARIPO Journal with all necessary details for adequate identification. The grant/register will have force and effect only with respect to the territories of the designated states for which the right was made.

The cumulative duration of protection of an ARIPO patent is 20 years from the date of filing, whilst that of a utility model is 10 years. All this is subject to payment of annual maintenance fees.

Re-establishment of Rights

An applicant 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 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.

Request for Limitation (Post Grant Amendment)

An ARIPO patent or utility model may be limited by an amendment on submission of a request. The request shall be filed with the ARIPO Office in accordance with the Implementing Regulations and shall not be deemed to have been filed until the limitation fee has been paid. Any amendment to the claims must fall wholly within the scope of the claims.

Main Fees

PATENTS	
TYPE OF FEE	AMOUNT (USD)
Application fee	\$290 (paper filing)
	\$232 (online filing)
Designation fee per state	\$85
Renewal fee per state per year	\$50 (increments by 20 per year for up to 15th anniversary and then subsequently \$50 per year)
Grant & publication fee	\$700
Request for examination fee	\$600

Utility Model

TYPE OF FEE	AMOUNT (USD)
Application fee	\$100 (paper filing)
	\$80 (online filing)
Designated fee per state	\$20
Renewal fee per state per year	\$20 (increments by \$5 from 1 st to 7 th year & by \$10 every year thereafter)
Registration and Publication fee	\$50

Payment of Fees in Local Currency

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

Harare Protocol Contracting States

ARIPO has a membership of 22 states, 20 of which are signatory to the Harare Protocol and thus can be designated under the protocol. 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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