



Growing IP in Africa

ARIPO
Harare, Zimbabwe 2024

Since 1976, ARIPO has been leading the efforts to expand intellectual property protection systems in Africa. As a partnership of governments, ARIPO finds solid ground to continually lay the foundation for higher levels of IP rights protection and promotion in Africa for businesses and innovation/creativity to thrive on the continent.

What do we do?

- Receive applications for granting and administration of patents, registration of trademarks, utility models, industrial designs and traditional knowledge on behalf of the contracting states under the respective protocols;
- Avail to requesters IP information;
- Performing for small enterprises, government, research institutions and local inventors state-of-the-art and novelty searches;
- Update on modernisation, harmonisation and/or development of industrial property legislation;
- Facilitate for Member States to acquire and utilize foreign appropriate technologies; and
- Training of staff from IP offices and other stakeholders in the Member States on various IP matters (rights enforcement, IP education, patent drafting, among others).

The Harare Protocol

In December 1982, the Administrative Council of ARIPO approved a Protocol on Patents and Industrial Designs. This protocol is popularly known as the Harare Protocol. The Harare protocol entered into force on 25 April 1984. Of the 22 Member States of ARIPO, only Somalia and Mauritius are not bound by the Harare Protocol. However, each state designated on an ARIPO application has the right to refuse to enforce such protection if the application does not comply with provisions of its national law.

The Banjul Protocol

A protocol on marks, known as the Banjul Protocol on marks was adopted in Banjul, The Gambia on 19 November 1993. 13 states are currently party to the protocol and, thus entrusting the ARIPO Office with the function of registration of marks and administration of such registered marks on their behalf. The present contracting states to the protocol are as follows: Botswana, Cape Verde, Kingdom of Eswatini, The Gambia, Lesotho, Liberia, Malawi, Mozambique, Namibia, São Tomé and Príncipe, Uganda, United Republic of Tanzania and Zimbabwe.

The Arusha Protocol

The Arusha Protocol for the Protection of New Varieties of Plants was adopted in Arusha, Tanzania on July 6, 2015. The Protocol will enable ARIPO to register plant breeders' rights and administer such rights on behalf of the designated contracting states.

Four Member States, namely; Rwanda, São Tomé and Príncipe, Cabo Verde and Ghana have now deposited their instruments of ratification or accession with the

Director General of ARIPO. Therefore, according to Article 40 (3) of the Arusha Protocol, the Protocol will enter into force in November 2024, which is twelve months after the fourth state Ghana deposited its instrument of ratification in November 2023.

Swakopmund Protocol

The Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore was adopted in Swakopmund, Namibia, on 9 August 2010. By this protocol, the Organization has introduced a regional framework for the protection of traditional knowledge and expressions of folklore. This protocol came into force on 11 May 2015. Member States who are currently party to this Protocol are: Botswana, Cape Verde, The Gambia, Liberia, Malawi, Namibia, Rwanda, Zambia and Zimbabwe.

Kampala Protocol

The Kampala Protocol on Voluntary Registration of Copyright and Related Rights was adopted in Kampala, Uganda, on 28 August 2021. The Protocol mandates ARIPO to establish a regional copyright database and offers presumption as to authorship and ownership. The Protocol is yet to enter into force and shall do so once five (5) Member States have deposited the instruments of ratification or accession.

Filing an Application

Filing can be done directly at ARIPO office or at the industrial property office of a respective Protocol contracting state and must be transmitted to the ARIPO Office within prescribed time limits.

File Online with ARIPO

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 IP applications, online payment of fees, exchange of notifications and documents and general tracking of filed applications. Visit eservice.aripo.org to gain access today!

Administration of Fees

All fees are charged in one currency in all countries although payment can be in the local currency of the member state. The fees collected in the process of granting/registering IP rights are shared between the ARIPO Office and the designated states. In the long run, the fees collected by the ARIPO Office become sufficient not only to relieve the Member States of paying contributions but to become a source of a steady and reliable income for their national treasuries.

ARIPO Academy

The ARIPO Academy was inaugurated on 15 February 2006. It serves as a center for teaching, training, and research and skills development in the field of intellectual property. The capacity building activities of the ARIPO Academy are targeted at creators, inventors, artists, business managers, intellectual property professionals, journalists, parliamentarians, policy makers, IP institutions, students and the civil society. The Academy has been selected as one of the SADC Training Centers of Excellency on Access and Benefit Sharing and on Evasive Alien Species in Southern Africa. The Academy also coordinates the Masters in Intellectual Property degree programmes jointly offered by ARIPO, WIPO and 3 universities in Africa, namely, Africa University, University of Dar es Salaam and Kwame Nkrumah University of Science and Technology.

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The Principal Organs of ARIPO

They are, namely the Council of Ministers, the Administrative Council, the Board of Appeal and Secretariat.

- (a) **The Council of Ministers** consists of those Government Ministers of the Organization's Member States who are responsible for the administration of intellectual property (IP) in their countries. This is the supreme organ of the Organization.
- (b) **The Administrative Council** consists of technocrats, who are the Heads of those offices from Member States of the Organization which administer intellectual property. While the Administrative Council is subordinate and reports to the Council of Ministers, it is responsible for, *inter alia*, the formulation and direct execution of the policy of the Organization.
- (c) **The Board of Appeal** consists of five members experienced in intellectual property matters who review administrative decisions of the Secretariat in its implementation of the ARIPO protocols. It is independent of any organ of the Organization.
- (d) **The Secretariat** is headed by a Director General who is the principal executive officer of the Organization. The Director General is responsible for the day to day running of the Secretariat (the ARIPO Office).



Subordinate to the Administrative Council are Administrative and Technical Committees established to consider and review administrative and technical matters of the Organization before they are tabled to the Administrative Council for consideration.

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