



Procedure for Filing an Application and Registration of a Mark at the ARIPO Office

ARIPO
Harare, Zimbabwe 2024

ARIPO Trademark System

The ARIPO trademark system is governed under the Banjul Protocol on Marks. This Protocol is currently operational in 13 of the 22 Member States of the Organization. The states signatory to the Banjul Protocol are herein referred to as Banjul Protocol contracting states.

Applicant

An applicant is a natural person or a legal entity with *bona fide* rights to apply for registration of a mark.

Who Can File?

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

Representation

The authorized representative is a trademark agent or legal practitioner who is duly recognized by the national industrial property office of the contracting state as having the right to represent the applicant. Where the applicant is neither an ordinary resident nor has a principal place of business in any of the Banjul Protocol contracting states, such applicant must be represented on filing an application.

Filing Routes

Applications can be filed directly at ARIPO by any one of the following ways:

- e-filing,
- email,
- in person,

- registered mail, or
- courier

Applications can also be filed through the national IP office of a contracting state.

Transmittal of Application to the ARIPO Office

If the application is filed with an industrial property office of a contracting state, that office transmits the application to the ARIPO office within one month of receipt of the application.

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

ARIPO Online Service

ARIPO has an online services platform (e-service) 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, downloading of the ARIPO industrial property journal and general tracking of filed applications.

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

Contents of an ARIPO Mark Application

Application for registration of a trademark should be made on ARIPO Form M1. The application form must contain the following:

- the applicant's name and address,
- at least one designation of the Banjul Protocol contracting state(s),
- corresponding class(es) of the goods and / services in accordance with the Nice Classification,
- name(s) of colour(s) claimed (if any) as a distinctive feature of the mark,
- a reproduction of the mark in the form of a two dimensional, graphic or photographic reproduction, and
- a declaration of actual use or intention to use the mark.

Allocation of a Filing Date

On receipt of the application, the ARIPO Office undertakes an examination of the application vis-à-vis filing requirements. This examination is necessary to determine a filing date of the application. A filing date is accorded on an application if it complies with the following requirements:

- an express or implied indication that registration is sought,
- disclosure of the identity of the applicant,
- sufficient indications for easy contact of the applicant or his representatives,
- a clear reproduction of the mark for which registration is sought, and
- a list of goods or/ and services for which registration is sought.

Formality and Substantive Examinations

The ARIPO Office will examine the application as to formality and this entails checking that the application form is duly completed

as per the prescribed requirements. For an application filed by a representative, a power of attorney must be lodged. The requisite application fees must be paid or a statement of commitment to pay within 21 working days must be attached. If priority is being claimed, the applicant will need to lodge a priority document. Priority subsists within 6 months.

Substantive Examination

Substantive examination is conducted by a designated state in accordance with its national laws. Each of the designated states has up to 9 months within which to notify the ARIPO Office in writing (after the notification by ARIPO Office) that the mark shall have no effect in that state if registered. The designated state should give reasons for its refusal according to the national laws and this is communicated to the ARIPO Office.

The ARIPO Office then communicates the refusal to the applicant who is given an opportunity to respond either through the Office or the designated state concerned. The refusal is subject to appeal or review under the national laws of the designated state. The mark application may proceed to registration with respect to other designated states which did not object.

Refusal and Appeal

The ARIPO Office can refuse an application due to non-compliance with formal requirements. The applicant can request the office to reconsider the refusal. If the Office still refuses, the applicant can appeal against the decision of the ARIPO Office to the ARIPO Board of Appeal or may within 3 months from the date of refusal, request that the application be treated in any designated state as an application according to national law of that state. The decision of the Board of appeal is final.

Request for Early Publication

Where all designated states issue notice of acceptance earlier than the specified 9 months, the applicant may request for early publication of the application on payment of the prescribed fee.

Registration, Publication and Opposition

Mark applications which have been accepted by designated states on substantive examination are published in the ARIPO Journal and, 3 months from the publication, the ARIPO Office will register the mark upon payment of a registration fee by the applicant. The Office will then issue a certificate of registration to the applicant. During the publication of the mark in the journal, any person may give notice of opposition. The opposition is dealt with in accordance with the national laws.

Effect of Registration

The duration of registration of a registered mark is 10 years from the date of filing. The registration may be renewed for a further 10 years on payment of the prescribed renewal fee. Rights conferred by the registered mark are the same in every designated state.

Contracting States

Of the current 22 Member States of ARIPO, 13 are Banjul Protocol contracting states. Only these can be designated in mark applications, and they are:

Botswana	Cape Verde	Eswatini
The Gambia	Lesotho	Liberia
Malawi	Mozambique	Namibia
São Tomé and Príncipe	Uganda	United Rep. of Tanzania
Zimbabwe		

Main Fees

Regulations under the Banjul Protocol contain a schedule of all the fees applicable to services rendered by the ARIPO Office. Some of the fees are as follows:

TYPE OF FEE	AMOUNT
Application fee	\$100 (paper filing) \$80 (online filing)
Designated fee for the first class per state	\$50
For every additional class per state	\$10
Registration fee for one class per designated state	\$100
Registration fee for every additional class per designated state	\$50
Renewal of registration for one class per designated state	\$100
Renewal of registration for every additional class per designated state	\$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.

Individual Country Fees

Each contracting state may choose to charge either the current ARIPO fees or the individual country fees on applications designating that country.



-  The Director General, ARIPO,
P.O. Box 4228, Harare, Zimbabwe
-  11 Natal Road, Belgravia, Harare,
Zimbabwe
-  +263-242-794054/65/66/68
-  +263-731 559 987, +263-731 020609
+263-242-794072/3
-  mail@aripo.org, registry@aripo.org
-  www.aripo.org