

intellectual property rights. Where one is planning to use a trademark or is currently in the marketplace with the mark one should consult professional advice on what to do next.

Trademark Status Search

The search is conducted on an existing trademark to determine its status. This may determine if it is registered or renewed or determine such data as applicant's details, designated states, assigned/licensed, etc.

Section C: Other Searches

Searches classified as "ARIPO Searches" are searches seeking general information on ARIPO. These include searches requesting for information on, for example, Member States of ARIPO, states party to any of the ARIPO protocols (i.e., Harare Protocol, Banjul Protocol or the Swakopmund Protocol), fee schedules, timelines for processing applications, copyright and related rights, etc.

This is a category of searches requesting general information that may not be categorized in any of the searches enumerated above for example, search requests relating to general information on intellectual property.

Part 2: Processing of Search Requests at ARIPO

Search requests from non-profit entities, research and development institutions, universities, small and medium size enterprises (SMEs), students and private individuals operating not for profit attract no fee.

Patent Information Dissemination

Information is made available to the public through a variety of databases. Each data base covers a particular set of patent documents. At present no database has complete coverage of all patent documents ever published worldwide. Thus, it is necessary to consult multiple databases to find and then access patent documents relevant to your interests. When performing searches at ARIPO Office, a host of databases are consulted.

These databases include, but are not limited to -

POLITE+, Esp@cenet, USPTO, PatentScope, freepatents.online, Delphion, aRDi, Swedish PRV, UK IPO, Google Patent, Google Scholar, PubMed, Medline, AusPat.

A search carried out in IP documents allows one to find information on recent developments in a range of technical areas. In fact, for some fields of technology, new developments are initially and sometimes exclusively recorded in IP documents. Nonetheless, it is critical to keep in mind the limitations of the data in which the search is being carried out. As pointed out earlier, no single data source covers all available technology information. or even all available IP information.

The information may be limited with respect to the range of dates or countries for which records are available or in terms of documentation and other sources of information often require a solid knowledge of the fields to which an IPR belongs. An awareness of the terminology and issues related to this field is necessary if appropriate search criteria are to be identified.

Estimated Time to Conduct a Search Requested for.

Depending on the type of search, it takes between 3 and 7 working days to conduct a search. Complex searches may take longer. Applicants will be advised of estimated time of completion.

Free of Charge Substantive Examination

An important aspect of the search service provided by the ARIPO Office is the free of charge substantive examination (upon request) that the Office undertakes in respect of patent and utility model applications filed with the industrial property offices of the Member States and potential Member States.

Part 3: ARIPO Cost Estimates for Searches

Patents/Utility Models/ Designs

A minimum of \$100 is charged for any search conducted on patents, \$10 for utility models and \$50 for industrial designs. This fee is charged per case. The cost increases depending on the complexity and time spent on conducting the search. The actual cost is made available to applicant on completion of the search.

Trademarks

A fee of \$50 is charged for any trademark search conducted by the ARIPO Office. This fee is charged per case. The fee must be paid before the search is conducted or alternatively an undertaking to lodge the fee within 21 days must accompany the request for the search to be conducted.



Search Services Provided by ARIPO



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Intellectual property rights (IPRs) have two important functions — Recognition and Benefits. Through protection, an IPR allows the right holder to exclude others from commercially exploiting the right covered by the holder in a certain country or region and for a specific period. Disclosure gives the public access to information regarding new technologies to stimulate innovation and contribute to economic growth.

Intellectual property (IP) information is an important resource for researchers and inventors, entrepreneurs and commercial enterprises, and IP professionals.

IP information can assist users to —

- avoid duplicating research and development efforts
- determine the protection of their IP rights;
- avoid infringing others' IP rights;
- estimate the value of their or others' IP rights;
- exploit technology from IPR that has never been granted, or is not valid in certain countries, or from IPRs that are no longer in force;
- gain intelligence on the innovative activities and
- future direction of business competitors;
- improve planning for business decisions such as licensing, technology partnerships, and mergers and acquisitions
- identify key trends in specific technical fields of public interest such as those relating to health or to the environment and provide a foundation for policy planning.

Intellectual property information comprises all information which either has been published in IP documents or can be derived from analysing filing statistics and includes —

- technical information from the description and drawings of patented inventions or expired patents;
- legal information from the patent claims defining the scope of the patent and from its legal status;
- business-relevant information from reference data
- identifying the holder, date of filing, country of origin, etc.;

- public policy-relevant information from an analysis of filing trends to be used by policy makers, e.g., international industrial policy strategy.

The ARIPO Office provides, upon request, information services to users of IP information in Member States, potential member states and third parties for the purpose of facilitating the adaptation, transfer and acquisition of appropriate technology, the development of local research and the creation of indigenous technology.

Part 1: Types of Search Services Provided

Section A: Patents, Utility Models and Industrial Designs

Novelty Searches

Novelty search, also referred to as patentability/registrability search, is the most common type of searches conducted for patents, utility models and industrial designs. This search is conducted when an applicant/inventor/creator has an alleged invention or design that s/he is interested in seeking protection and wishes to determine whether there is any prior art that may destroy its novelty.

Novelty searches generally have no date or prior art constraints. In other words, if prior art that reads on the invention is found, it does not matter whether the prior art is from yesterday or 100 years ago, it is relevant.

Infringement (Freedom to Operate) Searches

Infringement searches (also called freedom to operate, right to use, clearance or legal status searches) are carried out to prove whether a proposed product, activity or invention does not violate (or violates) any active patent/design registration in a searches or legal status search indicates whether a patent/design has been granted/registered or not; if granted/registered, the countries or regions in which the

right has been granted/registered; and whether it is still valid or has expired or been invalidated in a particular country or region.

Validity Searches

A validity search could be thought of as an extensive or comprehensive patentability/registrability search. Its purpose is to determine whether an IP right already obtained is valid or not.

A validity search could be (is) conducted when litigation concerning infringement of a right is on the horizon, and the example where validity search proves useful is in licensing negotiations. In assessing the value of a licensed IP right that a licensee is about to receive, the licensee may want to conduct a validity search to determine the strength of the IPR. Upon receiving the results, the licensee can adjust the minimum royalty payments accordingly before signing the License Agreement. However, it is important to note that most people assume validity search to simply mean finding out whether maintenance fees have been paid or not.

State of the Art Searches

State-of-the-art means the highest level of development, as of a device, technique, or scientific field, achieved at a particular time. Generally, a state-of-the-art search is designed to quickly allow someone to determine the most current development in each field.

Selective Dissemination of Information (SDI) Searches

Selective dissemination of patent information is understood to mean the automatic dissemination/delivery of all patent documents published or being published in a defined technical field. It is a standing order to automatically disseminate patent documents in a particular field to a specific industry. SDI is very useful to specialized institutions or industries.

Bibliographic Searches

Bibliographic data refers generally to the various data appearing on the front page of an IPR document or the corresponding applications and may comprise document identification data, domestic filing data, priority data, publication data, classification data, and other concise data relating to the technical content of the document.

Copy Searches

This is a type of search in which a client requests copies of a particular document, as granted/registered, certificates of renewal, assignments, etc. This type of search is popular especially in search requests from many ARIPO Member States.

Patent Family Searches

A patent family is a group of patents which, like a family, are all related to each other, in this case by way of the priorities of a particular patent document. Therefore, a patent family search is a search seeking to establish all the documents having the same priority or combination of priorities. This also may include utility models.

Section B: Trademark Searches

Geographical Scope of Searches

A trademark search is the first required step in the process of trade marking a word or phrase. Currently searches conducted at the ARIPO Office are confined to applications filed through the Office only. The ongoing ARIPO ICT system upgrade to allow connectivity with Member States will allow for the possibility of broader searches covering all the Member States.

Trademark Availability Searches

If one is going to file for a trademark one absolutely needs to do an availability search first. A search is used to determine if a trademark has already been registered. The same trademark cannot be registered to two or more parties.

Use of a trademark already registered to another party could be a violation of someone else's