



Administrative Instructions

Banjul Protocol

**Administrative Instructions
under the Regulations for
Implementing the Protocol on Marks
within the Framework of the
African Regional Intellectual Property
Organization (ARIPO)**

**ARIPO Office
Harare, Zimbabwe
2018**

Administrative Instructions-Banjul Protocol

Administrative Instructions-Banjul Protocol

Copyright © 2018 by ARIPO. All rights reserved. Except as permitted under the copyright legislation of an ARIPO Member State, as the case may be, no part of this publication may be reproduced or distributed in any form, or by any means, or stored in a database or retrieval system, without the prior written permission of the publisher.

Published by the ARIPO Office. Any correspondence on copyright and other issues contained in this publication should be addressed to:

The Director General,
ARIPO Office,
No. 11 Natal Road,
Belgravia,
P.O. Box 4228,
HARARE.
Zimbabwe.

TABLE OF CONTENTS

MATTER	PAGE
PRELIMINARY	11
1. Short title and date of operation	11
2. Interpretation	11
ARIPO OFFICE	13
3. Hours of business	13
4. Forms	13
REGISTERS	13
5. Request for alteration of names and addresses and for correction of errors	13
6. Inspection; copies of extracts	13
DOCUMENTS	14
7. Directions as to furnishing of documents, etc.	14
8. Corrections and rectifications	14
9. Printing and sale of documents	14
10. Signatures by partnerships, companies and associations	14
TIME LIMITS	15
11. Alteration of time limits	15
12. Dispatch by postal services	15
13. Series marks applications	15
APPLICATION FOR REGISTRATION OF MARK	16
14. Request for registration of mark	16
15. Applicant's name	16
16. Indication of nationality and residence	16

Administrative Instructions-Banjul Protocol

MATTER	PAGE
17. Appointment of representative	16
18. Designation of States	16
19. Representation of the mark	16
20. Classification of goods and services	17
21. Additional word(s) fee	17
22. Declaration of priority	18
23. Translations / Transliterations	18
24. Number of copies and physical requirements	18
TRANSMISSION OF DOCUMENTS TO AND FROM ARIPO	19
25. Filing of application by hand delivery or by postal services	19
26. Filing of application by fax	19
27. Filing of application by means of electronic communication	20
28. Transmittal by Receiving Office of application to the ARIPO Office	20
29. Filing of follow-up documents	20
FILING DATE	21
30. Allotment of application number by ARIPO Office and the according and notification of filing date	21
SUBSEQUENT DESIGNATION OF MARK APPLICATIONS	22
31. Processing of subsequent designation applications	22
EXAMINATION AS TO FORMAL REQUIREMENTS	23
32. Formal requirements	23
33. Invitation to correct application	23
34. Notification of compliance with formal requirements	23
35. Decision refusing application on grounds of non-compliance with formal requirements	23

Administrative Instructions-Banjul Protocol

MATTER	PAGE
36. Request to reconsider decision refusing application on grounds of non-compliance with formal requirements	23
37. Request for conversion into national application	24
EXAMINATION AS TO SUBSTANCE	24
38. Examination by designated State	24
39. Completion of examination as to substance and invitation to submit observations and amend application	24
40. Refusal/Conditional acceptance to register mark by designated State	24
41. Request to reconsider decision by designated State	25
42. Notification of acceptance to register mark by designated State	25
43. Publication of mark as accepted for opposition purposes	25
WITHDRAWAL OF APPLICATION	26
44. Declaration of withdrawal or reduction of designated States	26
REGISTRATION, RECORDAL AND PUBLICATION OF MARK	26
45. Contents and numbering of mark	26
46. Certificate of registration	27
FEES PAYMENT AND PROCESSING	27
47. Fees schedule	27
48. Receipt of payment	27
49. Individual fee payment	27
50. Payment of renewal fees	27
51. Form of payment of fees	28
52. Request by contracting State for remittance of fees due	28

Administrative Instructions-Banjul Protocol

MATTER	PAGE
LICENCES, ASSIGNMENTS, TRANSMISSIONS AND OTHER SIMILAR RIGHTS	28
53. Registration of assignment, transmission or other form of transfer	28
54. Publication of assignment, transmission or other form of transfer	29
55. Registration of licence	29
56. Notification of recordal of licences/assignment changes/ Correction of errors/Change of applicant details	29
REQUEST FOR GRANT OF TIME LIMITS	29
57. Request and grant of time limits	29
MISCELLANEOUS	30
58. Communications	30
59. Effective date	30
SCHEDULE I (LIST OF FEES)	31
SCHEDULE II (LIST OF FORMS)	36
SCHEDULE III (LIST OF CONTRACTING STATES)	39

The Administrative Instructions are established by the Director General of the African Regional Intellectual Property Organization (ARIPO) in accordance with Rule 17.5 of the Regulations.

PRELIMINARY

Short Title and Date of Operation

1. These Administrative Instructions may be cited as the Administrative Instructions, 1997 and came into operation on January 1, 2018 .

Interpretation

2. In these Administrative Instructions:
 - i. *"Administrative Instructions"* means the Administrative Instructions established by the Director General of the Office in accordance with Rule 17:5 of the regulations for implementing the protocol on marks;
 - ii. *"The Protocol"* means the Protocol on Marks within the Framework of the African Regional Intellectual Property Organization adopted at Banjul, The Gambia, on November 19, 1993;
 - iii. *"Office"* means the Office of the African Regional Intellectual Property Organization (ARIPO);
 - iv. *"Contracting State"* means the State that adheres to the Banjul Protocol;
 - v. *"Receiving Office"* means the office of the contracting State with which the application is filed; and
 - vi. *"Director General"* means the Director General of the ARIPO Office;
 - vii. *"Section"* refers to the specific Section of the Protocol;
 - viii. *"Regulations"* means the Regulations made under the Protocol;
 - ix. *"Rule"* refers to the specified Rule of the Regulations;
 - x. *"Instruction"* refers to the specified Instruction of these Administrative Instructions;
 - xi. *"Application"* means an application for registration of a mark;
-

Administrative Instructions-Banjul Protocol

- xii. *"Assignment"* means transfer by act of parties concerned;
- xiii. *"Board of Appeal"* means the Board of Appeal established under Section 4bis of the Protocol on Patents and Industrial Designs within the Framework of the African Regional Intellectual Property Organization (ARIPO) adopted at Harare, Zimbabwe, on December 10, 1982;
- xiv. *"designated State"* means any State designated in an application in accordance with Rule 4(c);
- xv. *"Paris Convention"* means the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1983, as revised and amended;
- xvi. *"International Classification"* means the classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, signed at Nice on June 15, 1957, as revised and amended;
- xvii. *"Pending mark"* means a mark which is the subject of an application for registration;
- xviii. *"Register"* means the Register of Marks kept under the provisions of the Protocol and these regulations;
- xix. *"Registered mark"* means a mark which is actually on the Register;
- xx. *"Registered user"* means a person who is registered as such under Rule 14:1;
- xxi. *"Transmission"* means transfer by operation of law, devolution on the personal representative of a deceased person and any other mode of transfer not being an assignment;
- xxii. A *"Mark"* includes a sign, name, word, device, brand, heading, level signature, letter, numeral or a combination thereof.

Administrative Instructions-Banjul Protocol

ARIPO OFFICE

Hours of business

3. The ARIPO Office shall be open for the transaction of any business, other than that provided for in Instruction 6 (I), between the hours of 8:00 a.m. and 16.30 p.m.

Forms

4. (i) The forms referred to in these Administrative Instructions are those set out in Schedule II hereto.

(ii) Copies of the printed forms shall be furnished free of charge by the ARIPO Office and by the industrial property offices of the contracting States or shall be obtained from the ARIPO website or from any other electronic media.

REGISTERS

Request for alteration of names and addresses and for correction of errors

5. (i) A request, by the owner of a mark, for the alteration of a name or address entered in the marks register in respect of his mark or a request for the correction of an error in the said register or in any document filed at the ARIPO Office in connection with a registration shall be made on ARIPO Form No. MII and together with the payment of the prescribed fee.

(ii) Before acting on such a request, the Director General may require such justifications as he thinks fit and, if satisfied, shall alter or correct the relevant register or document accordingly.

(iii) Applicant shall be notified of recordal of such corrections / alterations under Form M15B.

Inspection; copies of extracts

6. The mark register or entries or reproduction of entries therein shall be made available for consultation by the public between the hours of 8:00 a.m. and 16:30 p.m. on working days or from the ARIPO website or any other electronic media.

DOCUMENTS

Directions for furnishing of documents, etc.

7. At any stage of any proceedings before the ARIPO Office, the Director General may direct that such documents, information or evidence as he may require shall be furnished within such period as he may fix.

Corrections and rectifications

8. Any document filed in any proceedings before the ARIPO Office may, if the Director General thinks fit, be corrected or altered, and any irregularity in procedure in or before the ARIPO Office may be rectified on such terms as he may direct and signed by applicant.

Printing and sale of documents

9. (i) The Director General may arrange for the printing and sale of copies of registered marks or parts of such documents or the documents could be obtained online where applicable.

(ii) Any person may obtain copies of extracts therefrom or from the files, by making a request therefor on ARIPO Form No. M18, and together with the prescribed fee.

Signatures by partnerships, companies and associations

10. (i) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed on behalf of the partnership, or by any other person who satisfies the Director General that he is authorized to sign the document. A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Director General that he is authorized to sign the document. A document purporting to be signed for or on behalf of an association of persons may be signed by any person who satisfies the Director General that he is duly authorized.

(ii) The Director General may, whenever he deems it necessary, request evidence of authorisation to sign.
-

TIME LIMITS

Alteration of time limits

11. (i) The times or periods prescribed by the Regulations and these Administrative Instructions for doing any act or taking any proceeding thereunder may be extended by the Director General if he thinks fit, upon such terms as he may direct, and such extension may be granted on receipt of a request and payment of applicable fees.
- (ii) Where the time for doing anything under the Protocol, the Regulations or these Administrative Instructions expires on a day on which the Office is closed, that time shall be extended to the next following day on which the Office is open for business.
- (iii) Where the submission or filing of a document is subject to a time limit, it shall be deemed to be filed or submitted on the date on which it is received by the ARIPO Office. However, where the interested party satisfies the Director General that the document was mailed at least 21 days prior to the expiry of the time limit, the Director General shall extend the time limit accordingly. In proving such mailing, it shall be sufficient to prove that the letter containing such document was properly addressed and sent by registered mail.
- (iv) Request and grant of extension of time limits shall be done according to Rule 17.4.

Dispatch by postal services

12. Any notice or document sent by postal services by the ARIPO Office shall be deemed to have been given or made 21 days from the date on which it was sent.

Series mark applications

13. The ARIPO system does not allow for series mark applications. When different versions of a mark application are filed, a separate mark application is required for each of those versions.

APPLICATION FOR REGISTRATION OF A MARK

Request for registration of mark

14. The request for the registration of a mark shall be made on ARIPO Form No. M1.

Applicant's name

15. For purposes of Rule 4:1(b), "*family name*" shall mean surname and "*given name(s)*" shall mean first name(s).

Indication of nationality and residence

16. (i) The applicant's nationality shall be indicated by the name of the State of which he is a national; legal entities shall indicate the name of the State under whose laws they are constituted.
- (ii) The applicant's residence shall be indicated by the name of the State of which he is a resident.

Appointment of representative

17. The appointment of a representative shall be made on ARIPO Form No. M2, to be filed together with the application or with the ARIPO Office, as prescribed in Rule 5.1; if the appointment is not thus made or if the representative does not have the right to represent applicants before ARIPO Office, any procedural steps other than the filing of the application taken by the representative shall be deemed not to have been taken.

Designation of states

18. The contracting State(s) designated for each application for the registration of a mark shall be named in accordance with Rule 4:1(d).

Representation of mark

19. Subject to Rule 4:1(d), an application for the registration of mark shall contain a representation of the mark of a durable nature affixed to it in the space provided in Form M.1 for that purpose:

Administrative Instructions-Banjul Protocol

Provided that—

- (i) if the representation exceeds such space in size, it shall be reduced to fit into the space provided;
- (ii) where the mark consists of a word or words represented in plain letters, the word(s) shall be typewritten in such space with a space between each letter of each word and three spaces between each word comprising the mark, or it may be shown in such space in such other form as may be approved by the Office;
- (iii) there shall be sent with each application for the registration of a mark four additional representations of the mark;
- (iv) additional representation shall not be required for any application sent online unless requested as prescribed under Instr.19 (vii).
- (v) no additional representations shall be necessary if the mark is represented in plain letters:
- (vi) the additional representations sent in terms of subsection (iii) shall correspond exactly with that affixed to the application form, and shall likewise be of a durable nature.
- (vii) if the Office is at any time dissatisfied with any representation of a mark, it may require another satisfactory representation to be substituted before proceeding with the application.

Classification of goods and services

20. For the purposes of ARIPO mark applications any mark application filed shall be classified in accordance with Rule 3 of the Regulations.

Additional word(s) fee

21. (i) The number of words comprising the goods and service listing must be disclosed and shall merely serve the purpose of calculating the surcharge on addition word(s).
- (ii) The additional word(s) fee shall be submitted together with the registration fee.

Declaration of priority

22. In addition to the information required by Rule 8,
- (i) the priority claim of an earlier application and any translation thereof shall be filed in one copy.
 - (ii) the application shall indicate on the application a written declaration indicating the date and number of the earlier application, the country in or for which any successor in title filed such application and furnish a copy of the earlier application certified as correct by the appropriate authority with which such earlier application was filed.

Translations/Transliterations

23. (i) Where a mark contains a word or words in characters other than Roman, there shall, unless the Office otherwise directs, be endorsed on the application form a sufficient transliteration and translation to the satisfaction of the Office of each such word, and every such endorsement shall—
- (a) state the language to which the word belongs; and
 - (b) be signed by the applicant.
- (ii) Where a mark contains a word(s) in a language other than English, the Office shall require an exact translation thereof, together with the name of the language, and such translation, shall be endorsed and transmitted together with the application to the designated State(s) for the purpose of substantive examination.

Number of copies and physical requirements

24. (i) The application and any accompanying statements or documents to be filed with the Receiving Office or directly with ARIPO Office shall be filed in one copy but the Office may however require the applicant to supply additional copies in accordance with Instruction 19(vii).
- (ii) All elements of the application shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset and microfilming.

- (iii) Only one side of each sheet contained in the application shall be used.
- (iv) All elements of the application shall be on paper which is flexible, strong, white, smooth, non-shiny and durable unless filed electronically.

TRANSMISSION OF DOCUMENTS TO AND FROM ARIPO OFFICE

Filing of applications by hand delivery or by postal services

25. (i) ARIPO mark applications may be filed with ARIPO by hand delivery or by postal services.
- (ii) ARIPO mark applications may also be filed by hand delivery or by postal services at the industrial property office of a contracting State if the national law of that State so allows.

Filing of applications by fax

26. (i) ARIPO mark Applications may also be filed by fax with ARIPO or with the industrial property offices of those contracting States which so permit.
- (ii) Where a document transmitted using such technical means is illegible or incomplete, the document is to be treated as not having been received to the extent that it is illegible or that the attempted transmission failed and the sender will be notified as soon as possible.
- (iii) If an ARIPO mark application is filed by fax, a written confirmation is required only where the documents are of inferior quality. In this case, ARIPO will invite the applicant to supply such documents within a period of 2 months. If the applicant fails to comply with this invitation in due time, the ARIPO mark application will be refused and the sender will be notified as soon as possible.

Filing of applications by means of electronic communication

27. (i) ARIPO mark applications may be filed with the ARIPO in electronic form, either **online** or on **electronic data carriers**. Unless the use of other software is permitted, documents making up an ARIPO mark application in electronic form must be prepared using the form available on the ARIPO online platform and in the prescribed format. Other documents may also be filed electronically in proceedings under the ARIPO system.
- (ii) ARIPO mark applications may also be filed in electronic form with the competent national authorities of those contracting states which so permit.

Transmittal by Receiving Office of application to the ARIPO Office

28. (i) the Receiving Office shall transmit all documents making up the application to the ARIPO Office within 1 month from date of receipt in accordance with Rule 5.3.
- (ii) the Receiving Office shall indicate the date of receipt of the documents on ARIPO Form No. M1 and specify which documents have been filed.
- (iii) all the documents making up the application shall be transmitted under cover of ARIPO Form No. M5.
- (iv) the Receiving Office shall notify the applicant of the said transmittal on ARIPO Form No. M6.

Filing of follow-up documents

29. Any follow-up document(s) to be submitted by the applicant after the transmittal of the application shall be filed directly with the ARIPO Office.

FILING DATE

Allotment of application number by ARIPO Office and the according and notification of filing date

30. (i) Upon receiving the application, the ARIPO Office shall:
- (a) acknowledge receipt and allocate an application number on receipt of an application in accordance with Rule 4, Rule 5 and *5bis* of the regulations;
 - (b) confirm that the application, on the face of it, fulfils the requirements of Rule 4, Rule 5 and *5bis*, if the Office finds that it does, it shall accord the filing date; if it finds that it does not, it shall invite the applicant, on ARIPO Form No. M4, to file the required correction, together with the payment of the prescribed fee; and
 - (c) verify the documents, and mark on each document making up the application, the application number, consisting of the letters AP, slant, the letter M slant, the last two numbers of the year in which such papers were received, slant, and a five-digit number allotted in sequential order corresponding to the order in which applications are received.
- (ii) The applicant shall have 14 days from the date of the said invitation to comply therewith in accordance with [i] [b] above.
- (iii) If the applicant complies with the said invitation in accordance with (ii) above, the Office shall indicate the date of receipt of the required correction, which shall become the filing date of the application; otherwise, where applicant fails to comply with (i) [b] and (ii) above, the application shall be treated as if it had not been filed.
- (iv) ARIPO Office shall allocate filing date in accordance with Section *3bis* and send to applicant and designated States the notification of filing date indicated on ARIPO Form M5B.
- (v) the application number allotted under paragraph (i) [c] hereof shall be quoted in all subsequent communications concerning the application.
-

SUBSEQUENT DESIGNATION OF MARK APPLICATIONS

Processing of subsequent designation applications

31. (i) The subsequent designation as provided for in Section 9 and Rule 9 shall be made on ARIPO Form No. M3.
- (ii) Any subsequent designation application shall contain a reference to the initial application.
- (iii) The notification to the subsequently designated State shall be made on ARIPO Form No. M5B.
- (iv) The applicant may request for subsequent designation provided that the application shall not go beyond the disclosure in the initial application.
- (v) Subsequent designation applications shall be filed directly with the ARIPO Office, together with the payment of the prescribed fees referred to in Rule 9:1 within a period of 21 days from the date the application is filed with the ARIPO Office.
- (vii) Each subsequent designation application shall be allocated the same filing date as that of the initial application and shall expire on the same date.
- (viii) The date of receipt of the request for subsequent designation shall be recorded.
- (vii) The subsequent designation shall be subject to substantive examination by the subsequently designated State in accordance with Section 9 and Rule 9.

EXAMINATION AS TO FORMAL REQUIREMENTS

Formal requirements

32. The Office shall conduct formal requirements to applications in accordance with Rule 6, and shall also comply with Instructions 15 to 23 thereto.

Invitation to correct application

33. The invitation to correct the application, as provided in Rule 6 (I), shall be made on ARIPO Form No. M4.

Notification of compliance with formal requirements

34. The notification that the application complies with the prescribed formal requirements, as required by Rule 6 shall be made on ARIPO Form No. M8 to the Industrial Property Office of each designated State and to the applicant.

Decision refusing application on grounds of non-compliance with formal requirements

35. Any decision by the ARIPO Office refusing the application on grounds of non-compliance with the prescribed formal requirements shall be communicated on Form No. M4A and shall state the reasons for the refusal.

Request to reconsider decision refusing application on grounds of non-compliance with formal requirements

36. (i) The request that the ARIPO Office reconsider its decision shall be made on ARIPO Form No. M4B.
- (ii) If the applicant does not request the ARIPO Office to reconsider its decision or if the ARIPO Office refuses the application, notwithstanding such a request, it shall forthwith notify that decision, on ARIPO Form No. M4A, to the Receiving Office, to the industrial property office of each designated State pursuant to Rule 6:1 and to the applicant.

Request for conversion into national application

37. (i) The request under Rule 6:2 shall be made on ARIPO Form No. M7, and submitted together with the applicable fees.
- (ii) The Office shall forward the request for conversion to each designated State where conversion has been sought.
- (iii) The filing date issued by ARIPO shall be maintained on the converted application.

EXAMINATION AS TO SUBSTANCE

Examining by designated State

38. On receipt of communication that the application complies with formality requirements [ARIPO Form No. M8] the designated State shall conduct substantive examination in accordance with Rule 11:1.

Completion of examination as to substance and invitation to submit observations and amend application

39. For purposes of Rule 11:-
- (i) The designated state shall have not more than 9 months to conduct substantive examination in accordance with Rule 11:1.
- (ii) The designated State shall issue notification of examination result in accordance with Rule 11, which shall be either on Form M9 or Form M9B.

Refusal/Conditional acceptance to register mark by designated State(s)

40. Where the State refuses or conditionally accepts registration of a mark:-
- (i) the State shall issue a written communication to the Office to the effect that the mark shall have no effect on its territory in accordance with Rule 11:2;
- (ii) the written communication shall give reasons for the refusal or conditional acceptance;

Administrative Instructions-Banjul Protocol

- (iii) the written notification shall be made on Form M9 and shall be communicated to ARIPO within 1 month of issuance; and
- (iv) ARIPO shall forward the written notification to applicant immediately upon receipt.

Request to re-consider decision by designated State(s)

- 41. (i) Applicant shall have the opportunity to submit request to reconsider decision to refuse or conditionally accept application in accordance with Rule 11.3.
- (ii) The request to reconsider shall be submitted within 2 months of receipt by applicant and shall be made on Form No. M9C.
- (iii) The Office shall transmit the request to reconsider to designated State without delay to which designated State(s) has 2 months to respond.
- (iv) Where designated State(s) fails to respond to (iii) above, the Office shall proceed to register the mark in accordance with Rule 11.4.

Notification of acceptance to register mark by designated State(s)

- 42. On completion of substantive examination in accordance with section 6:1:-
 - (i) designated State shall issue notification of acceptance of application for registration where application complies with requirements of its national laws; and
 - (ii) the notification of acceptance shall be issued on Form No. M9B.

Publication of mark as accepted for opposition purposes

- 43. (i) An application for the registration of a mark, which has been accepted, shall be advertised as accepted in the ARIPO Journal in accordance with Section 6*bis*.1.
- (ii) Any person may at any time from the date of the advertisement in the ARIPO Journal for the acceptance of an application

for registration, give notice of opposition to the registration to the Office.

- (iii) Any opposition shall be treated in accordance with Section *6bis*4.

WITHDRAWAL OF APPLICATION

Declaration of withdrawal or reduction of designated States

- 44. (i) The written declaration of withdrawal or reduction of designated States under Rule 13:1 shall be made on ARIPO Form No. M11B signed by the applicant or by any one of the applicants if there are more than one and submitted together with the prescribed fee.
- (ii) Upon receipt of ARIPO Form No. M11B, the ARIPO Office shall transmit a copy thereof to the Industrial Property Office of each designated State(s) concerned.
- (iii) Any fees paid towards the application shall not be refunded if the application is withdrawn or if the number of designated States is reduced.

REGISTRATION, RECORDAL AND PUBLICATION OF MARK

Contents and numbering of mark

- 45. (i) The mark shall be registered upon the payment of the registration fee and the registration shall contain the information indicated in Rule 5:1 and this shall apply to subsequently designated mark applications.
- (ii) The ARIPO Office shall maintain the mark application number as the registration number of the registered mark.
- (iii) The registration shall be published in the ARIPO Journal in accordance with Rule 15:1.

Certificate of registration

46. (i) The certificate of registration of a mark shall be issued on ARIPO Form No. M12 in accordance with Rule 15:3 and shall be affixed with a copy of the representation of the mark.
- (ii) The Office shall transmit to each designated State for which the mark is registered a copy of the certificate of registration in accordance with Rule 15:3.

FEES PAYMENT AND PROCESSING

Fees schedule

47. (i) The fees to be paid in respect of any matters arising under the Protocol, the Regulations or these Administrative Instructions shall be those specified in the Schedule of Fees annexed to and forming part of the Regulations and in Schedule I of these Administrative Instructions.
- (ii) Where the fees paid are not sufficient to cover all the States designated in the application, the amount paid shall be applied in respect of the States designated in the order in which they are designated and to the extent to which they are covered by the fee paid.

Receipt of payment

48. The ARIPO Office shall furnish or send to the applicant or the mark owner a receipt of payment of the prescribed maintenance fee within two weeks from the date payment is received.

Individual fee payment

49. Where a designated State has declared that it wants to receive "individual fees", the fees shall be paid in accordance with Rule 10.3 to Rule 10.5.

Payment of renewal fees

50. (i) Payment of renewal fees shall apply in accordance with Rule 10:1; Rule 12 unless designated State has opted for "individual fee".

- (ii) Request for renewal shall be lodged under ARIPO Form No. MIO.
- (iii) The late payment in full of renewal fee shall be subject to the payment of the prescribed surcharge.

Form of payment of fees

- 51. Rule 10 shall apply, *mutatis mutandis*, to the form of payment of any fees due under the Protocol, the Regulations or these Administrative Instructions.

Request by contracting state for remittance of fees due

- 52. The request by a contracting State for remittance of fees under Rule 10 shall be made to the ARIPO Office on ARIPO Form No. 5 under the Harare Protocol.

LICENCES, ASSIGNMENTS, TRANSMISSIONS AND OTHER SIMILAR RIGHTS

Registration of assignment, transmission or other form of transfer

- 53. (i) A request to register an assignment, transmission or other form of transfer pertaining to a mark registered or applied for under the Protocol, shall be made on ARIPO Form No. M15 in accordance with Rule 14, together with the payment of the prescribed fee.
- (ii) The registered mark or the application for the registration of the mark shall be signed, in the case of an assignment, by or on behalf of the parties to the transfer and, in the case of a transmission, only by or on behalf of the new applicant or owner.
- (iii) Such application shall be accompanied by documents proving, to the satisfaction of the ARIPO Office, the change of ownership.
- (iv) In accordance with Rule 14.2, a request to register an assignment, transmission or other form of transfer may be lodged directly with a designated State to which the designated State shall have 2 months within which to notify ARIPO.

Publication of assignment, transmission or other form of transfer

54. The ARIPO Office shall publish, in the ARIPO Journal, a reference to the registration, made under Rule 14 of the assignment, transmission or other form of transfer in respect of the mark or mark application.

Registration of licence

55. A request to register a licence or other similar right pertaining to a mark, registered or applied for under the Protocol, shall be made by the licensor on ARIPO Form No. M16, in accordance with Rule 14 together with the payment of the prescribed fee and documents evidencing the licence or other similar rights, and shall be signed by or on behalf of the licensor.

Notification of recordal of licences/assignments/Correction of errors/Change of applicant details

56. (i) Notification of recordal of licences/assignments/correction of errors or change of applicant details according to Rule 14, Instructions 50 and 51 and 53 shall:
- (a) be made on ARIPO Form No. M15B.
 - (b) be recorded in the Marks Journal in accordance with Rule:2.
- (ii) Designated states shall notify ARIPO of any recordal or registrations of licences, assignments or any other transfer of rights done in accordance with Rule 14.2 on ARIPO Form No. M13.

REQUEST FOR GRANT OF TIME LIMITS

Request and grant of time limits

57. Request for extension of time limits in accordance with Rule 17.4 shall be made on ARIPO Form No. M19, whereas grant of extension of time limit, shall be made on ARIPO Form No. M19B.

MISCELLANEOUS

Communications

58. Subject to Rules 17:1 and 17:2, any communications by or with the ARIPO Office in relation to any matters arising under the Protocol, the Regulations or these Administrative Instructions shall be done in writing and sent to ARIPO by registered airmail or by personal delivery or by any electronic means.

Effective Date

59. These Administrative Instructions are effective from this **First day of January, Two Thousand and Eighteen.**



.....

Fernando dos Santos

Director General

[Schedules follow]

**SCHEDULES I:
LIST OF FEES**

Administrative Instructions-Banjul Protocol

SCHEDULE I:

LIST OF FEES

	Matter or Proceeding	Amount of fee (US \$)	Corresponding Form
1.	Authorization of Agent (Power of Attorney)		No. M 2
2.	Application for Registration of a Mark		No. M 1
	Paper filing	100.00	
	Electronic filing (including 20% reduction)	80.00	
	(c) For one mark		
	(i) In one class per D/S	50.00	
	(ii) In every additional class per D/S	10.00	
	(d) For every additional mark		
	(i) In one class per D/S	50.00	
	(ii) In every additional class per D/S	10.00	
3.	Later Designation per D/S	100.00	No. M 3
4.	Registration fee:		
	(i) In one class per D/S	100.00	
	(ii) In every additional class per D/S	50.00	
5.	Certificate of Registration		No. M 12

Administrative Instructions-Banjul Protocol

6.	Request for Renewal of Registration of a Mark:		No. M 10
	(i) In one class per D/S	100.00	
	(ii) In every additional class per D/S	50.00	
7.	Additional Fee for Late Renewal:		
	(i) In one class	20% surcharge	
	(ii) In every additional class	20% surcharge	
8.	Application to Remove Mark from Register for Non-use or to Rectify a Register Entry	20.00	
9.	Application for Change of Representative	50.00	No. M 11
10.	Application by Registered Proprietor to Strike out Goods or Services from those for which Mark is Registered per D/S	50.00	
11.	Request for correction of error(s), change(s), or alteration(s) of Application or Registered Mark:		No. M 11
	(a) For one mark per D/S	50.00	
	(b) For every additional mark per D/S	50.00	
12.	Restoration of a mark per D/S	100.00	No. M 14
13.	Application for Registration of Registered User:		
	(i) For one mark per D/S	50.00	
	(ii) For every additional mark per D/S	50.00	No. M 17

Administrative Instructions-Banjul Protocol

14.	Application by Registered Proprietor and Registered User of Mark to Vary Entry of Registered User:		
	(i) For one mark per D/S	50.00	No. M11
	(ii) For every additional mark per D/S	50.00	
15.	Application by Registered Proprietor and Registered User of Mark to Cancel Entry of Registered User:		
	(i) For one mark per D/S	50.00	No. M17
	(ii) For every additional mark per D/S	50.00	
16.	Request for Registrar's Certificate of Certified Copies of Entries in the Register of Documents or of Extracts	30.00	No. M18
17.	Inspection of the Register	20.00	
18.	Registration of assignments, transmission or other form of transfer		No. M15
	(i) For one mark per D/S	50.00	
	(ii) For every additional mark per D/S	50.00	
19.	Application to ARIPO to register a licence or other similar rights		
	(i) For one mark per D/S	50.00	No. M16
	(ii) For every additional mark per D/S	50.00	

Administrative Instructions-Banjul Protocol

20.	Request for conversion of application into national application	50.00	No. M7
21.	Request for classification of a trademark in accordance with the latest edition of the NICE Classification	50.00	

**SCHEDULE II:
LIST OF FORMS**

Administrative Instructions-Banjul Protocol

FORM NO. M	TITLE
1	Application for registration of a mark or of a series of marks
2	Appointment of representative/Power of attorney
3	Request for later designations
4	Notification of applicant to comply with formal requirements
4A	Notification of refusal of application on grounds of non-compliance with formal requirements
4B	Request to reconsider decision refusing application on grounds of non-compliance with formal requirements
4C	Request for priority documents
5	Transmittal of an application by receiving office to ARIPO Office
5B	Acknowledgement of receipt of application by ARIPO
6	Notification by receiving office of transmittal of application
7	Request for conversion of application under the Banjul Protocol into a national application
7B	Notification of transmittal by ARIPO Office of application and documents to designated State upon request for conversion into national application
8	Transmittal of an application by ARIPO Office to designated States
9	Communication by designated State that the registration shall have no effect on its territory (conditional acceptance) or refusal of application
9B	Communication by designated State of a notice of acceptance of an application
9C	Request to reconsider decision by designated State that registration shall have no effect on its territory (conditional acceptance) or refusal of application

Administrative Instructions-Banjul Protocol

10	Request for renewal of registration of a mark
11	Request for correction of error(s), change(s) or alteration(s)
11B	Notice of abandonment or withdrawal of application or registration/Reduction of designated States and class(es)
11C	Notification by the ARIPO Office of abandonment or withdrawal or lapse of application or registration/Reduction of designated States and class(es)
12	Certificate of registration
13	Notification by designated state of registration of licence, assignment, transmission or other similar right
14	Restoration of registration of a mark removed from register for non-payment of renewal fee
14B	Notification of restoration of registration of a mark to the register
15	Registration by ARIPO Office of assignments, transmission or other form of transfer
15B	Notice of recordal of assignment, licence, transmission or other form of transfer, change of applicant(s) details
16	Application to ARIPO Office to register a licence or other similar right
17	Application to ARIPO Office by registered proprietor and registered user of mark for registration or cancellation of registration of registered user
18	Request for copies of extracts from register or files
19	Request for extension of time limits
19B	Grant of extension of time limit

**SCHEDULE III:
List of Contracting States**

LIST OF CONTRACTING STATES

Status as at February 28, 2018

State	Date on which State became party to the Protocol
Botswana	October 29, 2003
Lesotho	February 12, 1999
Liberia	March 24, 2010
Malawi	March 6, 1997
Namibia	January 14, 2004
São Tomé and Príncipe	February 27, 2016
Swaziland	March 6, 1997
Uganda	November 21, 2000
United Republic of Tanzania	September 1, 1999
Zimbabwe	March 6, 1997

