

**AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)**  
**REGULATIONS FOR IMPLEMENTING THE PROTOCOL**  
**ON PATENTS AND INDUSTRIAL DESIGNS**

amended by the Administrative Council of ARIPO  
on November 23, 2018

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## **Rule 1 Interpretation**

"Administrative Instructions" means the Administrative Instructions established by the Director General of the ARIPO Office in accordance with Rule 2(5);

"application" means an application for the grant of a patent or for the registration of a utility model or of an industrial design, as the case may be, under the provisions of the Protocol;

"ARIPO Journal" means the Journal published by the ARIPO Office as required in Rule 2(4);

"ARIPO Office" means the Office, or ARIPO Secretariat, of the African Regional Intellectual Property Organization (ARIPO);

"Board of Appeal" means the Board of Appeal established under Section 4bis of the Protocol;

"Budapest Treaty" means the Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure done at Budapest in 1977;

"Contracting State" means any State that adheres to the Protocol;

"depository institution" means an institution which at all relevant times-

(a) carries out the functions of receiving, accepting and storing micro-organisms and the furnishing of samples thereof; and

(b) conducts its affairs in so far as they relate to the carrying out of those functions in an objective and impartial manner;

"designated State" means a State designated, in accordance with Rule 5(1)(f), in an application;

"Director General" means the Director General of ARIPO

"Implementing Regulations" means, unless the context indicates otherwise, the Regulations for Implementing the Protocol on Patents and Industrial Designs within the Framework of the African Regional Intellectual Property Organization (ARIPO);

"international application" means a patent application filed under the Patent Cooperation Treaty;

"international depository authority" means a depository institution which has acquired the status of international depository authority as provided for in Article 7 of the Budapest Treaty;

"Paris Convention" means the Paris Convention for the Protection of Industrial Property of March 20, 1883, as last revised;

"Patent Cooperation Treaty" means the Patent Cooperation Treaty done at Washington on June 19, 1970, including the Regulations and Administrative Instructions under the Treaty, as last revised;

"Protocol" means 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. "Utility Model" shall have the meaning given in Section 3ter.

## **Rule 2 Registers; Journal**

(1) The ARIPO Office shall maintain a Patents Register, a Utility Models Register and an Industrial Designs Register in which shall be recorded, respectively, all patents granted and all utility models and industrial designs registered under the Protocol, and which shall contain the particulars the recording of which is provided for in these Regulations.

(2) The recording of a granted patent shall be effected, in the order of grant, by the insertion in the Patents Register of a copy of the patent.

(3) Any recording other than that of the granted patent shall be effected by recording, under the appropriate heading of a page in the Patents Register reserved for each patent, the fact or instrument to be recorded.

(4) The ARIPO Office shall publish a Journal in which it shall effect all the publications provided for in the Protocol and in these Regulations. The Journal shall be published at least monthly.

## **Rule 3 Inspection of Files**

(1) Subject to paragraph (2), any person may, upon payment of the prescribed fee, consult the Registers or obtain copies of extracts therefrom.

(2) (a) Files relating to an ARIPO patent, utility model and industrial design applications which have not yet been published shall not be made available for inspection and extracts obtained therefrom without the written consent of the applicant.

(b) Even before the grant of the patent or the registration of the utility model or industrial design, the ARIPO Office shall, on request, communicate the following bibliographic data:

(i) the name and address of the applicant and the name and address of the agent;

(ii) the number of the application;

(iii) the filing date of the application and, if priority is claimed, the priority date, the number of the earlier application and the name of the State in which the earlier application was filed or, where the earlier application is a regional or international application, the name of the State or States for which it was filed as well as the

office with which it was filed;

(iv) the title of the invention, utility model or industrial design;

(v) any change in the ownership of the application and any reference to a licence contract appearing in the file of the application.

(c) Where an application is withdrawn in accordance with Rule 17, the file relating to it may be inspected only with the written permission of the person who withdrew the application, and paragraph (b) shall not apply.

(3) The inspection of files of the ARIPO Office by the Courts or authorities of Contracting States shall be by the provision of copies of the relevant documents or extracts of the relevant entries.

#### **Rule 4 Patent Information Services**

The ARIPO Office shall provide, upon request, patent information services to users of patent information in Member States and potential Member States of ARIPO for the purpose of facilitating the adaptation, transfer and acquisition of appropriate technology, the development of local research and the creation of indigenous technology.

#### **Rule 5 ARIPO Patent Application**

(1) The application for a patent shall contain:

(a) a request;

(b) a description;

(c) one or more claims;

(d) one or more drawings (where necessary);

(e) an abstract;

(f) a designation of the Contracting States in respect of which the patent is requested to be granted; and

(g) sequence listing if patent application contains the disclosure of one or more nucleotide and/or amino acid sequences. The sequence listing shall also be submitted in electronic form which conforms to WIPO Standard ST.25

(2) (a) The application shall be in the English language and any document forming part of the application and which is in a language other than English shall be accompanied by an English translation and shall be certified by the applicant or the person having translated the application in a statement to that effect, that, to his knowledge, the translation is a correct record of the application.

(b) The Rules relating to Fees shall determine in particular the amount of the fees and the ways in which they are to be paid.

(3) The request shall be made on a printed form copies of which shall

be obtainable from the ARIPO Office, ARIPO website or from any other electronic media and from the industrial property offices of Contracting States.

(4) (a) The printed form shall contain a list which, when filled in, will show-

(i) the total number of sheets constituting the application and the number of the sheets of each element of the application (request, description, claims, drawings, abstract);

(ii) whether or not the application as filed is accompanied by a power of attorney, a priority document, a receipt for the fee paid or an undertaking to pay the requisite fees, a statement justifying the applicant's right to the patent and any other document (to be specified in the check list);

(iii) the number of the most illustrative drawing which the applicant suggests should accompany the abstract when the abstract is published.

(b) The list shall be filled in by the applicant, failing which the ARIPO Office shall fill it in and make the necessary annotations.

(5) The request, which shall be signed by the applicant, shall contain-

(a) a petition which shall appear on the printed form;

(b) the title of the invention which shall be short (preferably from two to seven words) and precise;

(c) the name, address (including, where applicable, telegraphic and telex address and telephone and telex address and telephone number) and nationality of the applicant and the State in which his residence or principal place of business is located; names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s); names of legal entities shall be indicated by their official designations; addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address; they shall in any case comprise all the relevant administrative units, including the house number, if any;

(d) the name, address and place of business of the applicant's representative (particulars as in (c) above);

(e) where the applicant is the inventor, a statement to that effect and, where he is not, the name and address of the inventor accompanied by a statement specifying the basis of the applicant's right to the patent; and

(f) where applicable, a declaration of priority.

## **Rule 5bis Electronic Filing of Patents, Industrial Designs and Utility Models**

(1) Patent, industrial design and utility model applications may be filed and processed in electronic form or by electronic means in accordance with the Administrative Instructions provided that the ARIPO Office or any Member States' office shall permit the filing of applications on paper.

(2) These regulations shall apply mutatis mutandis to all applications filed in electronic form or by electronic means subject to any special provisions of the Administrative Instructions.

(3) The Administrative Instructions shall set out the provisions and requirements in the filing and processing of applications filed, in whole or in part in electronic form or by electronic means including, but not limited to, provisions and requirements in relation to acknowledgement of receipt, procedures relating to the according of a filing date, physical requirements and the consequences of non-compliance with those requirements, signature of documents, means of authentication of documents and of the identity of parties communicating with offices and applicants.

(4) No Member State shall be obliged to receive or process ARIPO patent applications filed in electronic form or by electronic means unless if the Member State has notified the ARIPO Office that it is prepared to do so in compliance with the applicable provisions of the Administrative Instructions.

(5) No Member State which has given the ARIPO Office a notification under paragraph (4) may refuse to process an application filed in electronic form or by electronic means which complies with the applicable requirements under the Administrative Instructions.

(6) Rule 5bis shall apply mutatis mutandis to other correspondence documents relating to all ARIPO applications.

## **Rule 6 Description**

(1) The description shall-

(a) first state the title of the invention as appearing in the request;

(b) specify the technical field to which the invention relates;

(c) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and, preferably, cite the documents reflecting such art;

(d) disclose the invention in such terms that it can be understood, and state its advantageous effects, if any, with reference to the

background art;

(e) briefly describe the figures in the drawings, if any;

(f) set forth at least the best mode contemplated by the applicant for carrying out the invention; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any; and

(g) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable and the way in which it can be made and used, or, if it can only be used, the way in which it can be used.

(2) The manner and order specified in this Rule shall be followed except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more concise presentation.

## **Rule 6bis Patent Applications Relating to Micro-organisms**

### **6bis. 1. Applications**

(1) The description of an invention in an application for a patent which requires for its performance the use of a micro-organism-

(a) which is not available to the public at the date of filing the application; and

(b) which cannot be described in the application in such a manner as to enable the invention to be performed by a person skilled in the art shall be regarded as disclosing the invention only if-

(i) not later than the date of filing of the application, a culture of the micro-organism has been deposited with an international depository institution; and

(ii) the name of the depository institution, the date when the culture was deposited and file number of the deposit are given in the application, and, where a new deposit is made under paragraph 6bis.4 below, the applicant or proprietor makes a new deposit in accordance with that paragraph.

(2) Where the information specified under sub-paragraph (1)(b)(ii) above is not contained in the application as filed, it shall be submitted to the ARIPO Office,

(a) before the end of the period of 16 months after the date of filing of the application or, if priority is claimed, after the priority date.

(b) where the Office has received a request by any person for information and inspection of the application under Rule 3 of these Regulations, before the end of one month after the Office communicates to the applicant a notification of receipt of the request, whichever

period is the earliest.

(3) The submission of information specified in subparagraph (1) (b) (ii) above shall constitute the unreserved and irrevocable consent of the applicant to the depository institution with which a culture is from time to time deposited making the culture available on receipt of the certificate of the ARIPO Office authorizing the release to the person named therein as a person to whom the culture may be made available and who makes a valid request to depository institution.

(4) The application for a patent referred to in paragraph (1) above shall mention any international agreement under which the micro-organism concerned is deposited.

#### **6bis. 2. Availability of Culture**

(1) The deposited culture shall be available upon request to any person from the date of publication of the ARIPO patent application and to any person having the right to inspect the files under Rule 3 prior to that date. Subject to the provisions of paragraph (3) of Rule 6bis. 3 below, such availability shall be effected by the issue of a sample of the micro-organism to the person making the request (hereafter called "the requester") and the said issue shall be made only if the requester has undertaken vis-à-vis the applicant or the proprietor of the patent-

(a) not to make the deposited culture or any culture derived therefrom available to any third party before the application has been refused or withdrawn or is deemed to be withdrawn or, if a patent is granted, before the expiry of the patent;

(b) to use the deposited culture or any culture derived therefrom for experimental purposes only, until such time as the patent application is refused or withdrawn or is deemed to be withdrawn or on the publication of the grant of the patent. This provision shall not apply where the requester is using the culture under a compulsory licence.

(2) For the purposes of paragraph (1) above, a derived culture is deemed to be any culture of the micro-organism which still exhibits those characteristics of the deposited culture which are essential to the carrying out of the invention. The undertaking referred to in paragraph (1) shall not impede a deposit of a derived culture which is necessary for the purpose of patent procedure.

(3) The request provided for in paragraph (1) shall be made to the ARIPO Office on a form recognised by the ARIPO Office. The ARIPO Office shall certify on the said form that an ARIPO patent application referring to the deposit of the micro-organism has been filed and that

the requester or the expert nominated by him is entitled to the issue of a sample of the micro-organism.

(4) The ARIPO Office shall transmit the request, together with the certification provided for in paragraph (3) above, to the depository institution as well as to the applicant or the proprietor of the patent.

(5) The Director General of the ARIPO Office shall publish in the Journal the list of depository institutions recognised for the purposes of this Rule.

### **6bis. 3. Availability of Culture to Experts**

(1) Until the date of publication of the application, the applicant may inform the ARIPO Office that until the grant of the patent or until the date on which the application has been refused or withdrawn or is deemed to be withdrawn, the availability of the culture referred to in Rule 6bis.2 shall be effected only by the issue of a sample to an expert nominated by the requester.

(2) The following may be nominated as an expert:

(a) any natural person provided that the requester furnishes evidence at the time of filing the request that the nomination has the approval of the applicant;

(b) any natural person recognised as an expert by the Director General of the ARIPO Office.

(3) The nomination shall be accompanied by an undertaking from the expert vis-à-vis the applicant similar to that specified in Rule 6bis.2(1). In this instance the requester will be regarded as a third party.

### **6bis. 4. New Deposit of a Micro-organism**

(1) If a micro-organism deposited in accordance with Rule 6bis.1 ceases to be available from the institution with which it was deposited because-

(a) the micro-organism is no longer viable, or

(b) for any other reason the depository institution is unable to supply samples, and if the micro-organism has not been transferred to another depository institution recognised for the purposes of Rule 6bis from which it continues to be available, an interruption in availability shall be deemed not to have occurred if a new deposit of the micro-organism originally deposited is made within a period of 3 months from the date on which the depositor was notified of the interruption by the depository institution and if a copy of the receipt of the deposit issued by the institution is forwarded to the ARIPO Office within 4

months from the date of the new deposit stating the number of the application or the ARIPO patent.

(2) In the case provided for in sub-paragraph (1)(a) above, the new deposit shall be made with the depository institution with which the original deposit was made; in the cases provided for in subparagraph (1)(b) above, it may be made with another depository institution recognised for the purposes of Rule 6bis.

(3) Where the institution with which the original deposit was made ceases to be recognised for the purposes of the application of Rule 6bis, either entirely or for the kind of micro-organisms to which the deposited micro-organism belongs, or where that institution discontinues, temporarily or definitively, the performance of its functions as regards deposited micro-organisms, and the notification referred to in paragraph (1) from the depository institution is not received within 6 months from the date of such event, the 3 months period referred to in paragraph (1) shall begin on the date on which this event is announced in the Journal of the ARIPO Office.

(4) Any new deposit shall be accompanied by a statement signed by the depositor alleging that the newly deposited micro-organism is the same as that originally deposited.

## **Rule 7 Claims**

(1) The claims shall define the matter for which protection is sought in terms of the technical features of the invention. They shall be clear and concise and be supported by the description. The number of the claims shall be reasonable, taking into account the nature of the invention, and, where there are several claims, they shall be numbered consecutively in Arabic numerals. Wherever appropriate, claims shall contain-

(a) a statement indicating those technical features of the invention which are necessary for the definition of the latter but which, in combination, are part of the prior art; and

(b) a characterizing portion - preceded by the words "characterized in that," "characterized by," "wherein the improvement comprises," or any other words to the same effect - stating concisely the technical features which, in combination with the features stated under (a), it is desired to protect.

(2) Claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings. In particular, they shall not rely on such references as: "as described in part ... of the description," or

"as illustrated in figure ... of the drawings."

(3) Claims related to medical indications or use claims shall, for the purpose of examination, be drafted in accordance with the standard phrases provided below:

(a) Claims regarded as first medical indications

(i) Pharmaceutical composition for the prophylaxis/treatment of Y(=disease) comprising X (= a drug/medicament).

(ii) Pharmaceutical composition comprising X.

(iii) Compound X for use as a drug/medicament for the treatment of Y.

(iv) Use of X for the manufacture of a pharmaceutical composition (Note that the disease indication is not mentioned in the claim).

(v) Compound X for use as an analgesic.

(vi) Compound X for use in treating disease Y.

(vii) Compound A containing X for use in treating disease Y (composition A may be genetically defined).

(viii) Medicament containing compound X.

(ix) Use of X for preparing a medicament.

(b) Claims regarded as second medical indications

(i) Use of X for the manufacture/preparation of a medicament/pharmaceutical composition for the treatment of Y.

(ii) Process for the preparation of a medicament for treating disease Y characterized in that compound X is used as the main active component of the medicament.

(4) (a) Any claim which includes all the features of one or more other claims (claim in dependent form, hereinafter referred to as "dependent claim") shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claims.

(b) Any claim stating the essential features of an invention may be followed by one or more claims concerning particular embodiments of that invention.

(c) Claims shall be grouped in the most logical manner to facilitate comprehension of the scope of protection being sought.

(5) Where a group of inventions is claimed in an ARIPO patent application, the requirement of unity of invention under Section 2bis 1(a) shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special

technical features" shall mean those features which define a contribution which each of the claimed inventions considered as a whole makes over the prior art.

(6) The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

(7) Without prejudice to Section 2bis (1)(a) of the Protocol, an ARIPO patent application may contain more than one independent claim in the same category (product, process, apparatus or use) only if the subject-matter of the application involves one of the following:

- (a) a plurality of interrelated products,
- (b) different uses of a product or apparatus,
- (c) alternative solutions to a particular problem, where it is inappropriate to cover these alternatives by a single claim.

(8) Where the ARIPO patent application contains drawings including reference signs, the technical features specified in the claims shall preferably be followed by such reference signs relating to these features, placed in parentheses, if the intelligibility of the claim can thereby be increased. These reference signs shall not be construed as limiting the claim.

## **Rule 7bis Guidelines on Transgenic Plants and Animals**

### **7bis. 1. Definitions**

For the purposes of these guidelines-

- (a) 'biological material' means any material containing genetic information and capable of reproducing itself or being reproduced in a biological system;

- (b) 'microbiological process' means any process involving or performed upon or resulting in microbiological material;

- (c) 'biotechnological invention' are inventions which concern a product consisting of or containing biological material or a process by means of which biological material is produced, processed or used;

- (d) 'genetic engineering' means the technology which manipulates gene recombination, cell fusion, etc. Inventions relating to genetic engineering include those of a gene or a DNA fragment, a vector, a recombinant vector, a transformant, a polypeptide or a protein, a fused cell, a monoclonal antibody, etc;

- (e) 'plant variety' means any plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a plant variety right are fully met,

can be-

- i defined by the expression of the characteristics that result from a given genotype or combination of genotypes,
  - ii distinguished from any other plant grouping by the expression of at least one of the said characteristics and,
  - iii considered as a unit with regard to its suitability for being propagated and changed;
- (f) a process for the production of plants or animals is essentially biological if it consists entirely of natural phenomena such as crossing or selection.

#### **7bis. 2. Patentable Biotechnological Inventions**

Biotechnological inventions shall be patentable if they concern-

- i 'biological material' which is isolated from its natural environment or produced by means of a technical process even if it previously occurred in nature,
- ii 'plants or animals' provided that the technical feasibility of the invention is not confined to a particular plant or animal variety,
- iii 'a microbiological or other technical process,' or a product obtained by means of such a process other than a plant or animal variety,

#### **7bis. 3. Exceptions to Patentability of Biotechnological Inventions**

ARIPO patents shall not be granted in respect of biotechnological inventions which, in particular, concern the following:

- i processes for cloning human beings,
- ii processes for modifying the germ line genetic identity of human beings,
- iii uses of human embryos for industrial or commercial purposes,
- iv processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit to man or animal, and also animals resulting from such processes,
- v an embryonic stem cell of an animal, an animal at the various stages of its formation and development such as a germ cell, a zoosperm, an embryo, etc., belong to the category of animal variety,
- vi a single plant and its reproductive material (such as seed, etc.) which maintains its life by synthesizing carbohydrates and protein from the inorganic substances such as water, carbon dioxide and mineral salts and so on through photosynthesis belong to the category of plant variety,
- vii inventions that do not possess practical applicability, i.e.

cannot easily be reproduced,  
viii the human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene, cannot constitute patentable inventions.

#### **Rule 8 Declaration of Priority**

(1) The application may contain a declaration claiming, in respect of one or several designated States, the priority, as provided for in the Paris Convention, of one or more earlier national, regional or international applications filed by the applicant or his predecessor in title in or for any State party to the Paris Convention or Member of the World Trade Organisation. The declaration shall indicate

- (i) the date of the earlier application;
- (ii) the number of the earlier application, subject to paragraph (2);
- (iii) the name of the State in which the earlier application was filed or, where the earlier application is a regional or an international application, the name of the State or States for which it was filed; and
- (iv) where the earlier application is a regional or an international application, the office with which it was filed.

(2) The declaration of priority shall preferably be made on filing the ARIPO patent application. It may still be made within 16 months from the earliest priority date claimed for patents and utility models and 10 months for industrial designs.

(3) Where, at the time of filing the declaration referred to in paragraph (1), the number of the earlier application is not known, that number shall be furnished within 3 months from the date on which the application containing the declaration was filed.

(4) The applicant may correct the declaration of priority within 16 months from the earliest priority date claimed, or, where the correction would cause a change in the earliest priority date claimed, within 16 months from the corrected earliest priority date, whichever 16-month period expires first, provided that such a correction may be submitted until the expiry of 4 months from the date of filing accorded to the ARIPO patent application. In the case of industrial designs the period applicable shall be 10 months.

(5) The applicant shall, within a period of 3 months from the filing of the application containing the declaration, furnish a copy of the earlier application, certified as correct by the office with which it was filed.

(6) Where the earlier application is in a language other than English, the applicant shall, within a period of 6 months from the filing of the application containing the declaration, furnish an English translation.

(7) If the requirements under this Rule have not been complied with, the declaration shall be disregarded.

#### **Rule 9 Applications for the Registration of Industrial Designs**

1. The application for an industrial design shall contain:

- (a) a request;
- (b) a reproduction of the industrial design;
- (c) a designation of the Contracting States in respect of which the industrial design is requested to be registered; and shall be subject to the payment of the prescribed fees.

2. The Rules relating to patent applications, particularly Rules 5(2) to 5(5); 5bis, 8; 10 to 15ter, 17, 18bis and 19 to 21 of these Regulations, shall, mutatis mutandis, apply to applications for the registration of industrial designs filed under Section 4 of the Protocol.

#### **Rule 9bis Applications for the Registration of Utility Models**

The Rules relating to patent applications, particularly Rules 5 to 8 and 20 of these Regulations, shall, mutatis mutandis, apply to applications for the registration of utility models filed under Section 3ter of the Protocol.

#### **Rule 10 Filing of Application; Authorization of Representative**

(1) Subject to Rule 11, any application may be filed with either the Office or the industrial property office of any Contracting State.

(2) The authorization of the applicant's representative shall be evidenced by a power of attorney issued and signed by the applicant and filed together with the application or filed within a period of 2 months after the filing of the application.

#### **Rule 11 Fees to be Paid**

(1) The fees to which applications are subject, and the amounts of such fees, shall be as set out in the Schedule of Fees which is annexed to these Regulations and forms part thereof, as well as in the Administrative Instructions.

(2) Subject to paragraph (3), fees shall be paid in U.S. dollars direct to the ARIPO Office or the application shall be accompanied by an

undertaking signed by the applicant that he will effect payment to the ARIPO Office within a period of 21 days from the date on which the application is filed with the ARIPO Office or the industrial property office of a Contracting State.

(3) (a) Notwithstanding paragraph (2), where the applicant is a national of the Contracting State in which the application is filed, the industrial property office concerned may-

(i) accept payment of the fees in local currency equivalent, at the prevailing official rate of exchange, to the prescribed fees; and

(ii) request the ARIPO Office to debit its account in ARIPO with the amount of such fees.

(b) The ARIPO Office shall be bound by the decision taken by the industrial property office of a Contracting State concerning the applicability of this paragraph with regard to the nationality of the applicant.

#### **Rule 12 Distribution of Fees**

(1) The distribution of fees between the ARIPO Office and Contracting States shall be as follows:

(a) 5% of the application fees shall be due to the Contracting State in which the application is filed and 95% shall be due to the ARIPO Office;

(b) 50% of the designation fee shall be due to each designated State and 50% shall be due to the ARIPO Office;

(c) 50% of the annual maintenance fee shall be due to the designated State and 50% shall be due to the ARIPO Office.

(2) Fees due to Contracting States shall be held in their favour or, on request, transmitted to them by the ARIPO Office.

#### **Rule 13 Transmittal of Application**

Where the application is filed with the industrial property office of a Contracting State, that office shall-

(i) verify that the application on the face of it fulfills the requirements of Rule 5(1)(a), (b) and (c);

(ii) verify that the undertaking with respect to fees has been submitted or that the fees have been paid and a receipt issued therefor;

(iii) mark on each document making up the application the actual date of receipt, an appropriate number and its official stamp;

(iv) issue to the applicant's representative an acknowledgement of receipt of the application; and

(v) promptly transmit all documents making up the application to the ARIPO Office.

#### **Rule 14 Filing Date**

(1) The ARIPO Office shall accord as the filing date the date on which the application was received by the Office or the industrial property office of the Contracting State with which the application was filed, provided that the application on the face of it fulfills the requirements of Rule 5(1)(a), (b) and (c); if on the date on which the application was received by the Office or the industrial property office of the Contracting State it did not fulfill the requirements of Rule 5(1)(a), (b) and (c), the ARIPO Office shall accord as the filing date the date on which the application on the face of it fulfilled the requirements of Rule 5(1)(a), (b) and (c).

(2) The ARIPO Office shall notify the applicant and the industrial property office of each designated State of the filing date of the application.

#### **Rule 15 Examination as to Formal Requirements**

(1) Upon receiving the application, the ARIPO Office shall examine it for compliance with the requirements of Section 3(1), 3(3) and 4(1) of the Protocol, Rules 5, 6, 6bis, 7, 8, 10 and 11, and the Administrative Instructions, and ascertain whether the requisite fees have been paid.

(2) Where the ARIPO Office finds that the application does not comply with the said requirements, it shall invite the applicant to correct the application within a period of 2 months.

(3) If the applicant fails to comply with the invitation referred to in paragraph (2) and the ARIPO Office refuses the application under Section 3(2)(b) of the Protocol, a request by the applicant, pursuant to Section 3(4), that the ARIPO Office reconsider its decision may be submitted in writing within 2 months and shall state the applicant's grounds for requesting such reconsideration.

#### **Rule 15bis Time Limits**

(1) The prescribed period referred to in Section 3(4) of the Protocol within which the applicant may request the Office to reconsider the matter shall be 2 months after the date of notification of the decision of the ARIPO Office that the application has been refused.

(2) The applicant may lodge an appeal against the decisions of the Office to the Board of Appeal within 3 months after the date of

notification of the decision of the ARIPO Office.

**Rule 15ter Extension of Time Limits**

- (1) The Director General may extend a time limit if:
  - (a) the applicant or the proprietor of the patent requests him to do so; and
  - (b) the request complies with the relevant requirements of rules.
- (2) Where more than one request of extension of time limit is or are requested in one request, each request shall be subject to the payment of the prescribed fee.
- (3) An extension of time limit shall not exceed 3 months.

**Rule 16 Information Concerning Corresponding Foreign Applications, Patents or Other Titles of Protection**

- (1) The applicant shall, at the request of the ARIPO Office, and within the period specified in such request, furnish it with the date and number of any application for a patent or other title of protection filed by him with a national industrial property office or with a regional industrial property office ("foreign application") relating to the same or essentially the same invention as that claimed in the application being processed by the ARIPO Office.
- (2) (a) The applicant shall, at the request of the ARIPO Office and within the period specified in such request, furnish it with the following documents relating to one of the foreign applications referred to in paragraph (1):
  - (i) a copy of any communication received by the applicant concerning the results of any search or examination carried out in respect of the foreign application;
  - (ii) a copy of the patent or other title of protection granted on the basis of the foreign application;
  - (iii) a copy of any final decision rejecting the foreign application or refusing the grant requested in the foreign application.
- (b) The applicant shall, at the request of the ARIPO Office, furnish it with a copy of any final decision invalidating the patent or other title of protection granted on the basis of the foreign application referred to in sub-paragraph (a).
- (3) The applicant shall, at the request of the ARIPO Office, furnish it with the following documents relating to any foreign application other than the one referred to in paragraph (2):
  - (i) a copy of any communication received by the applicant concerning the results of any search or examination carried out in respect of the

foreign application and in which publications or other documents establishing prior art are mentioned;

(ii) a copy of any final decision rejecting the foreign application or refusing the grant requested in the foreign application.

(4) The documents furnished under this Rule shall merely serve the purpose of facilitating the evaluation of the novelty and inventive step of the invention claimed in the application being processed by the ARIPO Office or in the patent granted on the basis of that application.

(5) The applicant shall have the right to submit comments on the documents furnished under this Rule.

#### **Rule 17 Withdrawal of an Application; Reduction of the Number of Designated States**

The applicant may withdraw an application or reduce the number of designated states at any time during its pendency by submitting a written declaration to the ARIPO Office.

#### **Rule 18 Examination as to Substance**

(1) (a) For the purposes of the request under Section 3(3) of the Protocol, the applicant may request examination of the patent application up to 3 years from the date of filing.

(b) For divisional applications, the time limit for filing the request for examination shall be 6 months from the date of lodging of the divisional application.

(c) The request shall be deemed to have been filed when the examination fee has been lodged. Where no request is made, within the prescribed period, the application shall lapse.

d) For the purposes of the examination under Section 3(3) of the Protocol, the ARIPO Office may transmit the application together with all relevant documents to an authority specified in the Administrative Instructions.

(2) A search report and examination report shall be established by the ARIPO Office or by the authority referred to in paragraph (1) and shall contain the conclusions of the examination of the application.

(3) Where, taking due account of the conclusions of the search report and examination report referred to in paragraph (2), the ARIPO Office reaches the conclusion that any of the requirements referred to in Section 3(3) of the Protocol are not fulfilled, it shall notify the applicant accordingly and invite him to submit, within a specified period, his observations and, where applicable, an amended application

together with a request in accordance with Section 3(4) of the Protocol that the matter be reconsidered.

(4) Where the ARIPO Office, taking due account of the search report and examination report, decides to grant the patent pursuant to Section 3(7) of the Protocol, it shall, by a notification to which shall be attached a copy of the search report and examination report upon which the decision is based, communicate the decision to the applicant, the industrial property office and be made available to the public in each designated State, and request the applicant to make payment of the grant and publication fee, within the period it shall specify.

(5) A communication by a designated State pursuant to Section 3(6) of the Protocol shall be made on its behalf by its industrial property office.

(6) Within 2 weeks of receiving any such communication, the ARIPO Office shall promptly transmit a copy thereof to the applicant.

(7) Notwithstanding the provisions of paragraph (1) above, the applicant may upon request made through a duly completed form, cause the Office to have an application; once it meets the formal requirements including a request for substantive examination; to be substantively examined in a preferential manner adhering to a modified timeframe as follows:-

(a) Expedited/accelerated Examination of an application so as to have a decision made on its patentability within a period specified in the Administrative Instructions from the time of making the request; subject to:

- i. The application being for a single invention and/or the applicant agreeing to the examination division conclusively examining the application by considering only the first identified invention;
- ii. the applicant undertaking to respond immediately to any clarifications sought by the examining division;
- iii. the application not getting abandoned and then reinstated before conclusion of examination;
- iv. a search report, based on acceptable minimum documentation conducted on claims corresponding to the claims either of the same scope as or narrower in scope than the claims in the ARIPO application file, is availed to the Office.

(b) Delayed commencement of substantive examination for up-to one year beyond the stipulations of Rule 18(1)(a) provided:

- i. a request for substantive examination has been lodged by the stipulated time in Rule 18(1)(a);
- ii. a written explanation satisfactory to the Director General has

been submitted with the request;

iii. the application does not lapse due to non-payment of annuities.

(c) The Office shall acknowledge a request to modify the examination timeline as in paragraphs (a) and (b) above and provide direction upon receipt of such a request to either:

i. direct the applicant to remit the requisite fees for such modification of timeline; or

ii. indicate that such modification in the examination timeframe is not possible with an outline of the reasons.

The request shall not be considered made unless the due fees are fully paid.

#### **Rule 18bis Divisional Patent Application**

(1) The applicant may file a divisional application relating to any pending earlier ARIPO patent application.

(2) A divisional application shall be filed in the language of the proceedings for the earlier application. If the latter was not in an official language of the ARIPO Office, the divisional application may be filed in the language of the earlier application; a translation into the language of the proceedings for the earlier application shall then be filed within 2 months of the filing of the divisional application.

(3) The divisional application shall be filed with the ARIPO Office.

#### **Rule 18ter Examination of Utility Models as to Substance**

(1) Without derogating from the generality of Rule 18, no utility model may be protected if it has already been the subject of a patent for an invention or a registration of a utility model based on a prior application or application benefiting from an earlier priority.

(2) Novelty and industrial applicability within the jurisdiction of the Contracting States of the Protocol shall be applied with respect to utility models.

#### **Rule 18quater Examination of an Industrial Design as to Substance**

Substantive examination of industrial designs shall be conducted in accordance with the national laws of each designated State.

#### **Rule 19 Request for Conversion into a National Application**

(1) A request by the applicant, pursuant to Section 3(8) or Section 3ter(9) of the Protocol, that the application be treated as an application under the national law of one or more of the designated

States, may be filed within 3 months from the date of the refusal by the ARIPO Office of the request for reconsideration, and shall specify the designated States in which the procedure for the grant or registration of a national patent or utility model is desired.

(2) Within 2 weeks of receiving the request, the ARIPO Office shall transmit copies of the application, and all relevant documents, to the industrial property offices of the designated States specified by the applicant.

#### **Rule 19bis Publication of ARIPO Patent Applications**

(1) An ARIPO patent application shall be published as soon as possible after the expiry of a period of 18 months from the date of filing or, if priority has been claimed, from the date of priority.

(2) For the purposes of Rule 19bis (1) in the case of applications claiming priority, the term of 18 months shall be construed from the original filing date, and in the case of applications with two or more priority claims, the period shall be construed from the earliest priority dates.

#### **Rule 20 Grant; Recordal and Publication**

(1) Upon the expiry of the period of 6 months provided for in Section 3(6) and subject to payment of the grant and publication fee, the ARIPO Office shall in accordance with Section 3(7) of the Protocol-

- (a) grant the patent;
- (b) publish in the ARIPO Journal a reference to the grant;
- (c) record the patent in the Patents Register;
- (d) issue to the applicant a certificate of the grant of the patent and a copy of the patent;
- (e) transmit to each designated State for which the patent is granted a copy of the certificate and a copy of the patent.

(2) The publication of a reference to the grant in the ARIPO Journal shall include the following:

- (a) the number of the patent;
- (b) the name and address of the owner of the patent;
- (c) the name and address of the inventor;
- (d) the name and address of the applicant's representative;
- (e) the filing date of the application;
- (f) if priority has been claimed and the claim has been accepted, a statement of that priority, the priority date and the name of the country or countries in which or for which the earlier application was filed;

- (g) the effective date of the grant of the patent;
  - (h) the title of the invention;
  - (i) the abstract;
  - (j) if there are drawings, the most illustrative drawing;
  - (k) the symbol of the International Patent Classification;
  - (l) the Contracting States for which the patent is granted.
- (3) The Certificate of Grant, which shall be signed by the Director General of the ARIPO Office, shall contain-
- (a) the number of the patent;
  - (b) the name and address of the owner of the patent;
  - (c) the filing date and priority date, if any, of the application;
  - (d) the effective date of the grant of the patent;
  - (e) the title of the invention;
  - (f) the Contracting States for which the patent is granted.

#### **Rule 21 Payment of Annual Maintenance Fees**

- (1) The amount of annual maintenance fees payable under Section 3(11), 3ter (10) and 4(6) of the Protocol shall be as prescribed in the Schedule of Fees.
- (2) The annual maintenance fees shall fall due on the eve of each anniversary of the date of filing of the application and shall be paid in advance to the ARIPO Office.
- (3) Subject to the payment of the prescribed surcharge, a period of grace of 6 months shall be allowed for the payment of the annual maintenance fee.
- (4) If an annual maintenance fee is not paid in accordance with this Rule, the application shall be deemed to have been withdrawn or the patent shall lapse.
- (5) The ARIPO Office shall record each lapsed patent in the Patents Register and publish a notification of the lapse in the ARIPO Journal.

#### **Rule 21bis Requirements of the Request for Limitation (Post-grant Amendment)**

- (1) The request for limitation of an ARIPO patent or utility model shall be filed in writing.
- The request shall contain:
- (a) particulars of the proprietor of the ARIPO patent or utility model making the request (the requester) as provided in Rule 5(5)(c), and an indication of the Contracting States for which the requester is the proprietor of the patent;
  - (b) the number of the patent, whose limitation is requested,

- (c) the complete version of the amended claims and, as the case may be, of the amended description and drawings;
- (d) where the requester has appointed a representative, particulars of the representative as provided in Rule 5(5)(d).

## **Rule 22 General Provisions**

- (1) Communications between the ARIPO Office and the industrial property offices of Contracting States on matters relating to the Protocol and Regulations shall be effected direct by registered mail or any other safe electronic means of communication.
- (2) Communications between the ARIPO Office and the courts or other authorities of Contracting States on matters relating to the Protocol and these Regulations shall be effected through the intermediary of the industrial property office of the said States and shall be subject to Rule 22(1).
- (3) The industrial property offices of designated States of which the national laws provide for the registration of licences, assignments and other similar rights pertaining to patents, utility models and industrial designs shall, upon registering such rights with respect to a patent or utility model or an industrial design granted, registered or applied for under the Protocol, promptly provide the ARIPO Office with particulars of such registrations.
- (4) The ARIPO Office shall record in the Registers all notifications made under Rule 22(3).
- (5) The ARIPO Office shall, in accordance with the procedure set out in the Administrative Instructions, register assignments, licences and other similar rights pertaining to patents or utility models or industrial designs granted, registered or applied for under the Protocol with respect to designated States of which the national laws do not provide for such registrations.
- (6) The Director General shall establish Administrative Instructions which shall deal with details in respect of the application of these Regulations and which shall not be in conflict with the provisions of the Protocol and these Regulations.
- (7) The Administrative Instructions shall specify the following:
  - (a) the time limits which are to be observed in proceedings before the ARIPO Office but which are not fixed by this Protocol;
  - (b) the manner of computation of time limits and the conditions under which time limits may be extended; and
  - (c) the minima and maxima for the time limits to be determined by the ARIPO Office

### **Rule 22bis Registration of Assignments, Licences and Other Similar Rights**

(1) Without derogating from the application of Rule 22(3) and (5), an assignment of a patent, industrial design or utility model granted or registered shall be registered in the Patents Register, Industrial Designs Register and Utility Models Register, as the case may be, at the application of any interested party and on production of documents satisfying the ARIPO Office that the transfer has taken place.

(2) The application for registration shall be deemed not to have been fulfilled until the prescribed fee has been paid. The ARIPO Office may reject the application only in the event of failure to comply with the conditions laid down in paragraph (1) of this Rule.

(3) The assignment shall have effect vis-à-vis the ARIPO Office only when and to the extent that the documents referred to in paragraph (1) have been produced before the Office.

(4) Paragraphs (1) to (3) of this Rule shall apply mutatis mutandis to the registration of a licence or other similar right.

(5) The registration referred to in paragraph (4) shall be cancelled upon application by any interested party on payment of a prescribed fee. Such application shall be supported either by documents establishing that the licence or other similar right has lapsed or by a declaration by which the licensee or proprietor of other similar right consents to the cancellation of the registration. The application for cancellation may be rejected only if these conditions are not fulfilled.

### **Rule 23 International Applications**

(1) Where an international application is filed with the ARIPO Office as receiving Office under the Patent Cooperation Treaty-

(a) the transmittal fee referred to in Rule 14 of the Regulations under that Treaty shall be as prescribed in the Schedule of Fees annexed to these Regulations;

(b) the applicant may be represented by an attorney, agent or legal practitioner who has the right to represent applicants before the industrial property Office of a Contracting State which is also bound by the Patent Cooperation Treaty.

(2) Where, in an international application, a Contracting State which is also bound by the Patent Cooperation Treaty is designated for the purpose of obtaining a patent under the provisions of the Protocol, the applicant shall, within the time limit applicable under Article

22 or 39(1) (a) of the Patent Cooperation Treaty-

(a) furnish an English translation of the international application to the ARIPO Office if the international application was published in a language other than English;

(b) pay the following fees, as prescribed in the Schedule of Fees, to the ARIPO Office:

(i) the application fee;

(ii) the designation fee per country designated;

(iii) subject to Section 3bis(6)(ii), the annual maintenance fees which have become due;

(c) where the applicant's ordinary residence or principal place of business is not in a Contracting State which is also bound by the Patent Cooperation Treaty, appoint as his representative an attorney, agent or legal practitioner who has the right to represent applicants before the industrial property office of such a Contracting State.

(3) For the purpose of Rule 18 (2), an international search report established for an international application for which the ARIPO Office acts as designated Office under Article 2(xiii) of the Patent Cooperation Treaty shall be taken into consideration.

(4) For the purpose of Rule 18 (2), an international preliminary examination report established for an international application for which the ARIPO Office acts as elected Office under Article 2(xiv) of the Patent Cooperation Treaty shall be taken into consideration.

#### **Rule 24 Request for Re-establishment of Rights**

(1) Any request for re-establishment of rights under Section 5bis, paragraph 1, shall be filed in writing within 2 months of the removal of the cause of non-compliance with the period, but at the latest within one year of expiry of the unobserved time limit. However, a request for re-establishment of rights in respect of any of the periods specified in Section 2(8) shall be filed within 2 months of expiry of that period. The request for re-establishment of rights shall not be deemed to have been filed until the prescribed fee has been paid.

(2) The request shall state the grounds on which it is based and shall set out the facts on which it relies. The omitted act shall be completed within the relevant period for filing the request according to paragraph 1.

(3) The request shall only be deemed filed upon payment of the restoration fee.

# Schedule I: Fees

## PATENTS

|    | Kind of Fees  | Amount (US Dollars or, where Rule 11 (3) (a) applies, the equivalent) |
|----|---|---|
| 1. | Application fee:  |   |
|    | a) Paper filing   | 290   |
|    | b) Electronic filing (including 20% reduction)                    | 232   |
| 2. | Designation fee per designated state                              | 85  |
| 3. | Examination Report fee  | 300   |
| 4. | Search Report fee   | 300   |
| 5. | Publication or republication fee                                  | 350   |
| 6. | Surcharge for each additional page from 31 to 100 pages           | 20  |
|    | Additional pages fee from 101 and each subsequent page thereafter | 30  |
| 7. | Surcharge for each additional claim after 10 claims               | 50  |
| 8. | Grant fee   | 350   |
| 9. | Annual maintenance fee in respect of each designated State:       |   |
|    | 1st anniversary (2nd year from filing date)                       | 50  |
|    | 2nd anniversary   | 70  |
|    | 3rd anniversary   | 90  |
|    | 4th anniversary   | 110   |
|    | 5th anniversary   | 130   |
|    | 6th anniversary   | 150   |
|    | 7th anniversary   | 170   |
|    | 8th anniversary   | 190   |
|    | 9th anniversary   | 210   |
|    | 10th anniversary  | 230   |
|    | 11th anniversary  | 250   |
|    | 12th anniversary  | 270   |
|    | 13th anniversary  | 290   |
|    | 14th anniversary  | 310   |

|     |  |  |
|-----|--|--|
|     | 15th anniversary<br>For each year thereafter an additional US \$50<br>per designated country   | 330  |
| 10. | Surcharge for late payment of annual<br>maintenance fee<br><br>and for every month or fraction thereof that<br>the fee remains unpaid                    | 100<br><br>50  |
| 11. | Correction of errors:<br>Typographical errors (1st error)<br>Any other typographic error (s) thereafter<br>Non-typographical corrections                 | <br>20<br>50<br>100  |
| 12. | Consultation of Registers  | 10   |
| 13. | Request for copies of extracts from Register<br>or from files: per page  | 5  |
| 14. | Certified copy of ARIPO patent application or<br>granted patent up to 30 pages From page 31 and<br>any subsequent page thereafter                        | 100<br>5   |
| 15. | Request for priority document of ARIPO<br>patent/application   | 100  |
| 16. | Transmittal fees for an international<br>application filed with the ARIPO Office as the<br>Receiving Office under the Patent Cooperation<br>Treaty (PCT) | 50   |
| 17. | Preparation of abstract  | 100  |
| 18. | Conversion of a national patent application to<br>an ARIPO application   | 100  |
| 19. | Conversion of an ARIPO patent application to a<br>national application   | 100  |
| 20. | Conversion of an ARIPO patent application to a<br>utility model application  | 100  |
| 21. | Conversion of an ARIPO utility model<br>application to an ARIPO patent<br>application  | 300  |
| 22. | Registration of assignments, transmissions,<br>alteration of registered particulars, etc.  | 100  |
| 23. | Request for any extension<br>2nd Request for the extension of the same case<br><br>3rd Request for the extension of the same case                        | 100 per request<br>200 for 2nd<br>request 400 for<br>3rd request |

|     |  |                  |
|-----|--|------------------|
|     | Further requests for the extensions of the same case   | 400 per request  |
| 24. | Search Request Fee (Status, Validity, Freedom to Operate, etc.)  | 100              |
| 25. | Change of representative   | 100              |
| 26. | Request for replacement of lost or destroyed certificate   | 100              |
| 27. | Restoration of Rights:<br>Filing PCT application in Regional phase after 31 months<br>Lapsed application due to non-observance of time limits<br>And for every month or fraction thereof that the fee remains unpaid | 100<br>100<br>50 |
| 28. | Request for limitation/post grant amendment  | 300              |
| 29. | Voluntary amendment of claims, description and drawings  | 200              |
| 30. | Fee for expedited/delayed examination  | 700              |

#### UTILITY MODELS

|    | Kind of Fees   | Amount (US Dollars or, where Rule 11 (3) (a) Applies, the equivalent) |
|----|--|---|
| 1. | Application fee:<br>a) Paper filing<br>b) Electronic filing (including 20% reduction)                            | 100<br>80   |
| 2. | Designation fee (per country)  | 20  |
| 3. | Registration and Publication fee   | 50  |
| 4. | Republication fee  | 20  |
| 5. | Maintenance fees (per Designated State):<br>1st year<br>2nd year<br>3rd year<br>4th year<br>5th year<br>6th year | 20<br>25<br>30<br>35<br>40<br>45                                      |

|     |   |              |
|-----|---|--------------|
|     | 7th year  | 50           |
|     | For each year thereafter  | 10           |
| 6.  | Surcharge for late payment of annual maintenance fees   | 30           |
|     | For every month or fraction thereof that the fees remain unpaid   | 5            |
| 7.  | Certified copy per page   | 2            |
|     | and for every page in excess of 10 pages  | 1            |
| 8.  | Request for priority document   | 20           |
| 9.  | Consultation of Register  | 2            |
|     | and for every page in excess of 10 pages  | 1            |
| 10. | Correction of errors:   |              |
|     | the first error   | 20           |
|     | all additional errors   | 30           |
|     | Non-typographic corrections   | 30           |
| 11. | Certified copy of an entry of the Register  | 20           |
| 12. | Conversion to national application  | 50           |
| 13. | Conversion of an ARIPO utility model application to a national application                                  | 300          |
| 14. | Registration of assignments, transmissions, alteration of registered particulars, reduction of states, etc. | 30           |
|     | US \$1 for every page in excess of 10 pages   |              |
| 15. | Request for any extension   | 10/extension |
| 16. | Status search fee   | 10           |
| 17. | Change of representative  | 50           |
| 18. | Request for replacement of lost or destroyed certificate  | 50           |
| 19. | Restoration of Rights:  |              |
|     | Filing PCT application in Regional phase after 31 months  | 30           |
|     | Lapsed application due to non-observance of time limits   | 30           |
|     | And for every month or fraction thereof that the fee remains unpaid   | 5            |

# INDUSTRIAL DESIGNS

|     | Kind of Fees   | Amount (US Dollars or, where Rule 11 (3) (a) applies, the equivalent) |
|-----|--|---|
| 1.  | Application fee:   |   |
|     | a) Paper filing  | 50  |
|     | b) Electronic filing (including 20% reduction  | 40  |
| 2.  | Designation fee per country designated   | 10  |
| 3.  | Registration and publication fee   | 75  |
| 4.  | Annual maintenance fee in respect of each designated State                             |   |
|     | 1st anniversary  | 10  |
|     | 2nd anniversary  | 12  |
|     | 3rd anniversary  | 14  |
|     | 4th anniversary  | 16  |
|     | 5th anniversary  | 18  |
|     | 6th anniversary  | 20  |
|     | 7th anniversary  | 24  |
|     | 8th anniversary  | 28  |
|     | 9th anniversary  | 32  |
| 5.  | Surcharge for late payment of annual maintenance fees:                                 | 15  |
|     | For every month or fraction thereof that the fees remain unpaid                        | 2   |
| 6.  | Certified copy per page  | 2   |
|     | and for every page in excess of 10 pages   | 1   |
| 7.  | Consultation of the Register:  | 2   |
|     | and for every page in excess of 10 pages   | 1   |
| 8.  | Correction of errors (per request):  |   |
|     | the first error  | 10  |
|     | all additional errors thereafter   | 20  |
| 9.  | Certified copy of an entry of the Register   | 10  |
|     | For every page in excess of 10 pages   | 1   |
| 10. | Conversion to national application   | 50  |
| 11. | Registration of assignments, transmissions, alteration of registered particulars, etc. | 20  |
| 12. | Request for any extension  | 50/extension  |
| 13. | Status search fee (status, validity, freedom   | 50  |

|     |   |         |
|-----|---|---------|
|     | to operate, etc.)   |         |
| 14. | Change of representative  | 50      |
| 15. | Request for priority document of ARIPO applications   | 20      |
| 16  | Request for replacement of lost or destroyed certificates   | 50      |
| 17. | Restoration of rights:<br>Lapsed application<br>And for every month or fraction thereof that the fee remains unpaid | 15<br>2 |

Schedule II: Forms (Omitted)

Schedule III Country Codes (Omitted)