

## **African Intellectual Property Organization (ARIPO)**

### **User Guidelines for filing a request to ARIPO for accelerated examination under the Global Patent Prosecution Highway Pilot Program**

#### **Request to ARIPO**

1. An applicant should file a request for accelerated examination under the Global Patent Prosecution Highway (GPPH) pilot program to the African Intellectual Property Organization (ARIPO) by submitting a letter requesting accelerated examination under the GPPH accompanied by the relevant supporting documents. The requirements for applying to ARIPO for accelerated examination under the GPPH are as follows:

#### **Requirements for requesting accelerated examination under the GPPH pilot program at ARIPO**

2. There are four requirements for requesting accelerated examination under the GPPH pilot program at ARIPO. These are:
  - (a) Both the ARIPO application for which acceleration is requested and the Office of Earlier Examination (OEE) application(s) forming the basis of the GPPH request shall have the same earliest date (whether this be a priority date or a filing date).
  - (b) At least one corresponding OEE application has one or more claims that are determined to be allowable by the OEE. The indication that a claim is allowable should be provided as an explicit statement in any substantive work product from the OEE. Claims determined as novel, inventive and industrially applicable in PCT work products have the meaning of allowable in this document.
  - (c) All claims on file, as originally filed or as amended, for examination under the GPPH must sufficiently correspond to one or more of those claims indicated as allowable in the OEE.

Claims are considered to “sufficiently correspond” where accounting for differences due to translations and claim format, the claims in the ARIPO are of the same or similar scope as the claims in the OEE, or the claims in ARIPO are narrower in scope than the claims in the OEE.

In this regard, a claim that is narrower in scope occurs when an OEE claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims).

A claim at ARIPO which introduces a new/different category of claims to those claims indicated as allowable in the OEE is not considered to sufficiently correspond. For example, where the OEE claims only contain claims to a process of manufacturing a product, then the claims in ARIPO are not considered to sufficiently correspond if ARIPO claims introduce product claims that are dependent on the corresponding process claims.

If the claims on file at ARIPO do not, at the time of the GPPH request being made, correspond to those found allowable by the OEE then a set of amended claims, which do correspond to the allowed OEE claims, should be filed along with the GPPH request.

- (d) ARIPO has not begun examination of the application.

#### **Required documents for accelerated examination under the GPPH pilot program at ARIPO**

3. The following documentation is required to support a request for accelerated examination under the GPPH pilot program at ARIPO:
  - (a) a completed request form and claim correspondence table showing the relationship between the claims of the ARIPO application and the claims of the corresponding OEE application considered allowable by the OEE.
  - (b) a copy of the office action(s) on the corresponding OEE application(s). The applicant can either provide these with the GPPH request or, where the OEE has a Dossier Access System containing the respective documents, request that ARIPO obtain the required documents directly from the OEE.
  - (c) a copy of the claims found to be patentable by the OEE. The applicant can either provide these with the GPPH request or, where the OEE has a Dossier Access System that provides access to the allowed claims, request that ARIPO obtain the claims directly from the OEE.
  - (d) If the office actions and allowed claims are not in English and/or not available in English on a Dossier Access System, then English language translations of the documents should be provided. Where translations are required, machine translations are acceptable, although if a machine translation is of poor quality, a further translation may be requested.
4. The relevant information is obtained from the applicant by filling in the form requesting accelerated examination under the GPPH pilot program (as provided in Annex 1 and which shall be made available on the ARIPO website). The form should be sent to ARIPO along with a letter requesting acceleration under the GPPH and the other relevant supporting documentation.
5. Copies of the patent documents cited by the OEE will not be needed where the documents are available via a Global Dossier system such as Espacenet or USPTO Global Dosier, but copies of non-patent literature cited by the OEE should be included with the PPH request. The ARIPO Examiner may request translation of citations where translation of a cited document is necessary. However, applicants may file translations as part of the supporting documentation when initially requesting accelerated examination under the GPPH to allow prompt consideration of the citations.

## **Procedure for accelerated examination under the GPPH pilot program at ARIPO**

6. The applicant submits a letter requesting accelerated examination under the GPPH pilot program to ARIPO, including a completed PPH request form and claim correspondence table (as provided in Annex 1 and also available online on the ARIPO website) and other relevant supporting documents as indicated above.
7. The request will be considered, and if all requirements are met, accelerated examination will commence. If one or more of the requirements are not met, the applicant is invited to correct the GPPH request.



## ANNEX 1

### REQUEST FORM AND CHECKLIST FOR ACCELERATED EXAMINATION UNDER A PATENT PROSECUTION HIGHWAY AT ARIPO

#### AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

ARIPO FORM NO. HARARE PROTOCOL	<b>For Official Use</b>  <b>Received on:</b>
REQUEST FOR ACCELERATED EXAMINATION UNDER THE GLOBAL PATENT PROSECUTION HIGHWAY (GPPH) PILOT PROGRAM TO: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe	<b>Applicants or Representative File reference</b>
<b>I. IN THE MATTER OF ARIPO APPLICATION FOR PARTICIPATION IN THE GPPH PILOT PROGRAM</b>	
<b>Application No.:</b>	<b>Filing Date:</b>
<b>Title of invention:</b>	
<b>II. APPLICANTS(S)</b>	
<b>Name:</b>	
<b>Address:</b>	
<b>III. I/we hereby request participation in the Global Patent Prosecution Highway (GPPH) pilot program of the above-identified ARIPO application based on the _____ application as the Office of Earlier Examination (OEE).</b>	
<b>OEE Application No.:</b> .....	
<b>Both the ARIPO application and the OEE Application have the following earliest date (filing or priority date)</b> .....	
<b>IV. SUPPORTING /REQUIRED DOCUMENTS</b>	
<b>V. For this purpose, the following supporting documents are attached:</b>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Copies of all Office actions (Relevant to substantive examination for patentability in the OEE) which were issued for the corresponding application by _____ and,  their translation
	Copies of all claims determined to be patentable/allowable by _____ as the OEE, and
	Their translation
	Copies of the reference cited by the OEE Examiner, and
	Their translation

VI.		Claim correspondence table
-----	--	----------------------------

<b>V. Claim correspondence table</b>		
Claim number in ARIPO application	corresponding OEE patentable/allowable claim	Explanation of the relationship between the ARIPO and the corresponding claim
VI.	Signature(s)*	Date

\*Type name and title under signature