

**Regulations for Implementing the Protocol on Patents
and Industrial Designs Within the Framework
of the African Regional Industrial Property Organization
(ARIPO)***

**(text entered into force on April 25, 1984, and amended by the
Administrative Council of ARIPO on December 12, 1986,
April 27, 1994 and November 27, 1998)**

TABLE OF CONTENTS

	<i>Rule</i>
Interpretation.....	1
Registers; The Journal; Administrative Instructions	2
Inspection of Files.....	3
Patent Information Services	4
Form and Contents of Patent Application	5
Contents of the Description.....	6
Patent Applications Relating to Microorganisms.....	<i>6bis</i>
Contents of the Claims.....	7
Declaration of Priority	8
Applications for the Registration of Industrial Designs	9
Filing of Application; Authorization of Representative	10
Fees to be Paid.....	11
Distribution of Fees.....	12
Transmittal of Application	13
Filing Date	14
Examination as to Formal Requirements	15
Time Limits	<i>15bis</i>
Information Concerning Corresponding Foreign Applications, Patents or Other Titles of Protection	16
Withdrawal of Application.....	17
Examination as to Substance.....	18
Request for Conversion into a National Patent Application.....	19
Grant; Recordal and Publication	20
Payment of Annual Maintenance Fees.....	21
General Provisions	22
International Applications.....	23
Schedule of Fees ¹	

**Rule 1
Interpretation**

In these Regulations, unless the context otherwise requires,

“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 an industrial design, as the case may be, under the provisions of the Protocol²;

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

“the Budapest Treaty” means the Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure done at Budapest in 1977³;

“Contracting State” means any State that adheres to the Protocol;

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

“depositary institution” means an institution which at all relevant times,

(a) carries out the functions of receiving, accepting and storing microorganisms 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;

the “*ARIPO Journal*” means the Journal published by ARIPO as required in Rule 2(4);

“ARIPO Office” means the Office of the African Regional Industrial Property Organization (ARIPO);

“Paris Convention” means the Paris Convention for the Protection of Industrial Property of March 20, 1883, as last revised⁴;

“Patent Cooperation Treaty” means the Patent Cooperation Treaty done at Washington on June 19, 1970⁵, including the Regulations⁶ and Administrative Instructions under the Treaty, as last revised;

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

“Protocol” means the Protocol on Patents and Industrial Designs Within the Framework of the African Regional Industrial Property Organization (ARIPO) adopted at Harare, Zimbabwe, on December 10, 1982.

Rule 2

Registers; The Journal; Administrative Instructions

(1) The ARIPO Office shall maintain a Patents Register and an Industrial Designs Register in which shall be recorded, respectively, all patents granted and all 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 quarterly.

(5)(a) The Director General of the ARIPO Office 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.

(b) The Administrative Instructions shall be modified by the Director General of the ARIPO Office upon the request of the ARIPO Administrative Council.

Rule 3 **Inspection of Files**

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

(2)(a) The file relating to a patent application may be inspected and extracts therefrom obtained before the grant of the patent only with the written permission of the applicant.

(b) Even before the grant of the patent, 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 applicant;

(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;

(v) any change in the ownership of the application and any reference to a license 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 subparagraph (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 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 **Form and Contents of 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; and

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

(2) 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.

(3) The request shall be made on a printed form copies of which shall be obtainable from the ARIPO Office 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 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 6

Contents of the 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 Microorganisms

6bis.1. Applications

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

(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 microorganism has been deposited with an international depositary institution; and

(ii) the name of the depositary 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 subparagraph (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 depositary 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 the depositary institution.

(4) The application for a patent referred to in subparagraph (1) above shall mention any international agreement under which the microorganism 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 subparagraph (3) of Rule 6bis.3 below, such availability shall be effected by the issue of a sample of the microorganism 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 subparagraph (1) above, a derived culture is deemed to be any culture of the microorganism which still exhibits those characteristics of the deposited culture which are essential to the carrying out of the invention. The undertaking referred to in subparagraph (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 microorganism has been filed and that the requester or the expert nominated by him is entitled to the issue of a sample of the microorganism.

(4) The ARIPO Office shall transmit the request, together with the certification provided for in subparagraph (3) above, to the depositary 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 depositary 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 microorganism

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

(a) the microorganism is no longer viable, or

(b) for any other reason the depositary institution is unable to supply samples,

and if the microorganism has not been transferred to another depositary 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 microorganism originally deposited is made within a period of three months from the date on which the depositor was notified of the interruption by the depositary institution and if a copy of the receipt of the deposit issued by the institution is forwarded to the ARIPO Office within four 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 subparagraph (1)(a) above, the new deposit shall be made with the depositary institution with which the original deposit was made; in the cases provided for in subparagraph (1)(b) above, it may be made with another depositary 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 microorganisms to which the deposited microorganism belongs, or where that institution discontinues, temporarily or definitively, the performance of its functions as regards deposited microorganisms, and the notification referred to in subparagraph (1) from the depositary institution is not received within six months from the date of such event, the three months' period referred to in subparagraph (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 microorganism is the same as that originally deposited.

Rule 7
Contents of the Claims

(1) The claims shall define the matter for which protection is sought in terms of the technical features of the invention. 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.”

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. 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) 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 three months from the date on which the application containing the declaration was filed.

(3) The applicant may, at any time before the grant of the patent, amend the contents of the declaration.

(4) The applicant shall, within a period of three 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.

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

(6) 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

The Rules relating to patent applications shall, *mutatis mutandis*, apply to applications for the registration of industrial designs filed under Section 4 of the Protocol.

Rule 10
Filing of Application;
Authorization of Representative

(1) Subject to Rule 11, any application may be filed with 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 two 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 and 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 twenty-one days from the date on which the application is filed with 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

The industrial property office with which the application was filed 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 industrial property office 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 industrial property office with which the application was filed the application on the face of 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) of the Protocol, Rules 5, 6, 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 two 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 two 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 two 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 three months after the date of notification of the decision of the ARIPO Office.

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 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 Application**

The applicant may withdraw the application at any time during its pendency by submitting a written declaration to the ARIPO Office.

Rule 18 **Examination as to Substance**

(1) 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 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 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 and examination report, decides to grant the patent pursuant to Section 3(5) of the Protocol, it shall, by a notification to which shall be attached a copy of the search and examination report upon which the decision is based, communicate the decision to the applicant and the industrial property office of 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 two weeks of receiving any such communication, the ARIPO Office shall promptly transmit a copy thereof to the applicant.

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

(1) A request by the applicant, pursuant to Section 3(8) 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 three 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 of a national patent is desired.

(2) Within two 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 20 **Grant; Recordal and Publication**

(1) Upon the expiry of the period of six 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 Classification⁷;
- (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(10) 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) The ARIPO Office shall, at least one month prior to the date on which an annual maintenance fee shall fall due, issue a reminder to the applicant or the owner of the patent.
- (4) Subject to the payment of the prescribed surcharge, a period of grace of six months shall be allowed for the payment of the annual maintenance fee.
- (5) 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.
- (6) The ARIPO Office shall record each lapsed patent in the Patents Register and publish a notification of the lapse in the *ARIPO Journal*.

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 these Regulations shall be effected direct and by registered airmail.
- (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 licenses, assignments and other similar rights pertaining to patents and industrial designs shall, upon registering such rights with respect to a patent 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 Patents Register or the Industrial Designs Register, as the case may be, 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, licenses and other similar rights pertaining to patents 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.

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 Rule 21(4), 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) 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 replace the search report referred to in Rule 18(2).

(4) 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 replace the examination report referred to in Rule 18(2).

Schedule of Fees

... 8

* *English title..*

Entry into force (of Regulations as last amended): January 1, 2000.

Source: Communication from the Secretariat of ARIPO.

¹ Not reproduced here (*Editor's note*).

² See *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES—Text 1-008 (*Editor's note*).

³ See *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES—Text 2-004 (*Editor's note*).

⁴ See *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES—Text 1-016 (*Editor's note*).

⁵ See *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES—Text 2-006 (*Editor's note*).

⁶ See *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES—Text 2-007 (*Editor's note*).

⁷ *International Patent Classification (IPC), Complete set*, WIPO Publication Number: 560(E) (*Editor's*

note).

⁸ See footnote 1 (*Editor's note*).