



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

**NOTICE TO ALL APPLICANTS ON  
THE AMENDMENTS TO THE HARARE PROTOCOL**

Reference is made to the Resolutions of the ARIPO Administrative Council at its 11<sup>th</sup> Extraordinary Session that was held in Kampala, Uganda, from August 23 to 26, 2021 and the 45<sup>th</sup> Ordinary Session that was held in Victoria Falls, Zimbabwe, from December 6 to 8, 2021. The Administrative Council at the sessions adopted the amendments to the Harare Protocol on Patents and Industrial Designs as well as its Implementing Regulations, which shall come into force on January 1, 2022.

In view of that, the Office wishes to draw your attention to the following amendments:

**1. SECTION 2**

*Section 2:  
Filing; Appointment of Representatives and Transmittal of  
Applications*

**2. SECTION 2BIS**

*Section 2bis  
ARIPO Patent Applications*

(1) An ARIPO patent application:

(a) Shall relate to one invention only or to a group of inventions so linked that they form a single general inventive concept.

(b) Shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

(c) Disclosure of an invention as stipulated in Subsection (1)(b) above shall be entirely effected by an enabling description as read in conjunction with accompanying drawings if any.

### 3. NEW SECTION 2QUATER

#### *Section 2quater Observations by Third Parties*

In proceedings before the Office, following the publication of the ARIPO patent or utility model application, any third party may, in accordance with the Implementing Regulations, present observations concerning the patentability of the invention to which the application or patent relates. That person shall not be a party to the proceedings.

### 4. SECTION 3

#### *Section 3 Patents*

- (1) (a) An ARIPO patent application shall **contain** –
- (i) a request for the grant of an ARIPO patent;
  - (ii) **contain, as prescribed**, a description of the invention, a claim or claims, a drawing or drawings (where necessary), sequence listing (where necessary) and an abstract;  
and be subject to the payment of the prescribed fees.
  - (iii) ~~designate the Contracting States for which a patent is requested to be granted;~~
  - (iv) ~~be subject to the payment of the prescribed fees.~~

[.....]

(6) (a) If the Office decides to grant a patent, it shall notify the applicant and each designated State. The designated State shall have 6 months within which to respond to the notification.

(b) Before expiration of 6 months from the date of the notification referred to in Sub-section(6)(a), a designated State may make a written communication to the Office that, if a patent is granted by the Office, that patent shall have no effect in its territory for the reason–

- (i) that the invention is not patentable in accordance with the provisions of this Protocol, or
- (ii) that, because of the nature of the invention, a patent cannot be registered or granted or has no effect under the national law of that State.

(c) Where the designated State in 6(b) communicates that a patent shall have no effect in its territory, the applicant may respond by providing amendments and/or arguments

in relation to the communication. The applicant's response shall be made within the prescribed period.

(d) Where an applicant submits amendments and/or arguments referred to in (6)(c), the designated State shall respond within the prescribed period.

(e) If the designated State refuses the application notwithstanding the applicant's amendments and/or arguments, the applicant may, within the prescribed period of being notified of such refusal, request that the application be treated in the designated State, as application according to the national law of that State.

[...]

(10) (a) [...]

(g) An applicant for an ARIPO patent application shall be allowed at least one opportunity of amending the description, claims and drawings of his own volition. An ARIPO patent application or ARIPO patent may not be amended in such a way that it contains subject-matter which extends beyond the content of the initial application as filed. **The conditions for admissibility of amendments under this provision shall be stipulated in the Regulations.**

[...]

## 5. SECTION 3ter

### *Section 3ter Utility Models*

[...]

2. (i) A utility model shall be protected under the Protocol if it is new and industrially applicable.
- (ii) A utility model shall be considered to be new if it is not anticipated by the prior art within the jurisdiction of the Contracting States of the Protocol.
- (iii) A utility model shall be considered as susceptible of industrial applicability if it can be made or utilized in any kind of industry including agriculture.

[...]

- (3) An application for registration of a utility model shall **contain** –
  - (i) **a request for registration of a utility model; identify the applicant;**
  - (ii) **contain,** as prescribed, a description of the utility model, a claim or claims, a drawing or drawings, and an abstract;  
**and be subject to the payment of the prescribed fees.**

- ~~(iii) designate the Contracting States for which the utility model is requested to be registered;~~
- ~~(iv) be subject to payment of the prescribed fees.~~

## 6. SECTION 4

### *Section 4 Industrial Designs*

- (1) An application for the registration of an industrial design **filed** shall **contain**:—
- (i) **a request for registration of an industrial design; identify the applicant;**
  - (ii) **contain** a reproduction of the industrial design;  
**and be subject to the payment of the prescribed fees.**
  - ~~(iii) designate the Contracting States for which the registration is requested to have effect;~~~~(iv) be subject to the payment of the prescribed fees.~~

[.....]

(3) (a) Before expiration of 6 months from the date of the notification referred to in Sub-section (2)(c), each designated State may make a written communication to the Office that, if the industrial design is registered by the Office, that registration shall have no effect in its territory for the reason—

- (i) that the industrial design is not new,
- (ii) that, because of the nature of the industrial design, it cannot be registered, or a registration has no effect under the national law of that State, or
- (iii) that, in the case of a textile design, it is the subject of a special register.

(b) Where the designated State in 3(a) communicates that an industrial design shall have no effect in its territory, the applicant may respond by providing amendments and/or arguments in relation to the communication. The applicant's response shall be made within the prescribed period.

(c) Where an applicant submits amendments and/or arguments referred to in (3)(b), the designated State shall respond within the prescribed period.

(d) If the designated State refuses the application notwithstanding the applicant's amendments and/or arguments, the applicant may, within the prescribed period of being notified of such refusal, request that the application be treated in the designated State, as application according to the national law of that State.

[.....]

(6) On the anniversary of the filing of the application, the Office shall collect the prescribed annual maintenance fees, part of which shall be distributed among the designated States concerned as provided for in the Regulations. The amount of the fees shall depend on the number of States in respect of which the application or registration is maintained. Provided that it is maintained, the registration of an industrial design effected by the Office shall in each designated State have the same effect as a registration effected or otherwise in force under the applicable national law. The duration of such a registration shall be 15 years from the filing date, except for designated States with a shorter term of protection, the registration shall expire at end of term of protection provided for under their respective national design laws. Where an industrial design was registered before the commencement of the amendment of this Section, the registration period shall be as provided before this amendment.

## REGULATIONS FOR IMPLEMENTING THE HARARE PROTOCOL

### 1. RULE 3

#### *Rule 3* *Inspection of files*

[....]

(c) Where an application is withdrawn in accordance with Rule 17 **before publication**, 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.

[....]

### 2. RULE 7bis.1.(e)

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

(d) [.....]

(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 unchanged**;

(f) [.....]

### 3. RULE 11BIS

#### **Rule 11bis**

#### **Additional fees and claims fee**

(1) (a) An additional fee is payable for ARIPO patent applications which comprises more than 30 pages. The amount of the fee is calculated according to the number of pages as provided for in the Schedule of Fees. If **the** additional fee is not paid **in due time as**

provided for under paragraph (3), the application concerned shall be deemed to be withdrawn.

~~(b) The pages of the request for grant (ARIPO Form No. 3) and those forming part of a sequence listing within the meaning of Rule 5(1)(g) are not counted, provided the sequence listing contained in the description complies with WIPO Standard ST.25.~~

(b) The additional fee is calculated on the basis of the pages of the description, claims, any drawings and the abstract. The pages forming part of a sequence listing within the meaning of Rule 5(1)(g) ~~are~~ shall not be counted, provided the sequence listing ~~contained in the description~~ complies with WIPO Standard ST.25.

(c) Where formal deficiencies in the documents making up the ARIPO patent application need to be corrected, the number of pages complying with the physical requirements shall be the basis for calculation of the additional fee.

(2) ~~(a)~~ Any ARIPO patent application comprising more than 10 claims shall, in respect of the eleventh and each subsequent claim, incur payment of claims fees as laid down in the Schedule of Fees. ~~If the claims fee is not paid as provided for under paragraph (3), the claim(s) concerned shall be deemed to be withdrawn.~~

(3) The additional fees and claims fee shall be paid on or before filling of the request for substantive examination.

(4) If an amendment filed after payment of additional fee and claims fee, introduces more claims and pages than those paid for, the fees for the newly introduced claims and pages shall be payable at the time of paying grant and publication fees.

[.....]

#### 4. RULE 15BIS

##### *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 **not less than 2 months and not more than 6 months** after the date of notification of the decision of the Office that the application has been refused.

[.....]

## 5. RULE 15ter

### *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; **or**
  - (c) **due to an exceptional occurrence such as a pandemic, a natural disaster, war, civil disorder or a general breakdown in any means of electronic communication.**
- (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.

## 6. RULE 17

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

[.....]

(3)(a) The applicant may, for ARIPO applications, add to the number of designated States at any time before publication of the application in accordance with **Rule 19bis, Section 2ter** and subject to **Rule 8**, by submitting a written request to the Office. This provision shall not apply to applications filed according to Section 3bis.

[.....]

## 7. RULE 18

### *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 **substantive** examination of the patent application up to 3 years from the date of filing **or priority date if claimed. If more than one priority is claimed, from the earliest priority date.**

(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 request for examination fee, **including additional fee and claims fee if any**, has been lodged. Where no request is made, within the prescribed period, the application shall **be deemed withdrawn.**

[.....]



(3) (a) 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.

(b) Voluntary Amendments to applications shall be subject to the following:-

- (i) These provisions shall not apply to voluntary amendments made before a search report and/or an examination report is communicated to the applicant.
- (ii) Together with any comments, corrections or amendments made in response to communications by the Office under Rule 18(3)(a), the applicant may amend the description, claims and drawings of his own volition with each response to an office action by the Office that raises objections or requirements for corrections.
- (iii) Each amendment may only be incorporated in the application through a written examination report consenting to such amendments by the Office.
- (iv) When filing any amendments referred to in paragraphs (i) to (iii), the applicant shall identify them and indicate the basis for them in the disclosure as filed. If the Office notes a failure to meet either requirement, it may request the correction of this deficiency within a period of 2 month.
- (v) Amended claims may not relate to unsearched subject-matter which does not combine with the originally claimed invention or group of inventions to form a single general inventive concept.
- (vi) Provided that the introduction of unsearched and/or unexamined claims shall be allowable subject to payment of new search and examination fees as stipulated in Schedule I to this Rules.
- (vii) Voluntary amendments after an application has been recommended for grant by the Office shall be considered under Section 5ter of the Protocol.

[.....]

(5) (a) 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.

(b) Where a designated State communicates that a patent shall have no effect in its territory, the applicant may respond, within 3 months of receipt of the communication.

(c) The designated State shall respond within 3 months of receipt of the applicant's communication referred to in (5)(b).

[.....]

(7) [.....]

(a) [.....]:-

(iii) the application not ~~getting abandoned~~ being withdrawn and then reinstated before conclusion of examination;

(iv) [.....]

(b) [.....]

(iii) the application ~~does not lapse~~ is not deemed withdrawn 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:-

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

(ii) confirm in writing that the Office concurs with the applicant's request ~~to waive the fees due in respect~~ of modified examination timeline since the application relates to one of the fields of green technologies defined in the Administrative Instructions; or

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

(d) The request shall not be considered made unless the ~~prescribed~~ ~~due~~ fees are ~~fully~~ paid.

## 8. RULE 18ter

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

[.....]

(3) [.....]:-

(a) [.....]

(iii) the application not ~~getting abandoned~~ being withdrawn and then

reinstated before conclusion of examination;

[....]

(b) Delayed commencement of examination for up to 1 year provided:-

- (i) a written explanation satisfactory to the Director General has been submitted with the request;
- (ii) the application ~~does not lapse~~ **is not deemed withdrawn** due to non-payment of annual maintenance fees.

[.....]

(3) (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:-

- (i) direct the applicant to remit the requisite fees for such modification of timeline; or
- (ii) **confirm in writing that the Office concurs with the applicant's request of modified examination timeline since the application relates to one of the fields of green technologies defined in the Administrative Instructions; or**
- (iii) indicate that such modification in the examination timeframe is not possible with an outline of the reasons.

(d) The request shall not be considered made unless the **prescribed** ~~due~~ fees are **fully** paid.

## 9. RULE 18<sup>quarter</sup>

### *Rule 18<sup>quarter</sup>*

#### *Examination of an Industrial Design as to Substance*

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

(2) (a) A communication by a designated State pursuant to Section 4(3) of the Protocol shall be made on its behalf by its industrial property office.

(b) **Where a designated State communicates that a registration of an industrial design shall have no effect in its territory, the applicant may respond, within 3 months of receipt of the communication.**

(c) **The designated State shall respond within 3 months of receipt of the applicant's communication referred to in (2)(b).**

## 10. NEW RULE 19ter

### *Rule 19ter* *Observations by Third Parties*

(1) Following publication of the ARIPO patent application, any person may ~~present~~ submit observations concerning the patentability of the invention.

(2) The observations by third party may be considered if they are made in respect to novelty, inventive step, claim clarity, sufficiency of disclosure, patentability of subject matter and unallowable amendments.

(3) The observations shall be filed in writing in English and shall include a statement of the grounds on which they are based.

(4) Documentary evidence and, in particular, publications submitted in support of the arguments may be filed in any language. However, the Office may request that a translation into English be filed within a period to be specified; otherwise, the evidence will be disregarded.

(5) The person filing the observations may not become a party to the proceedings before the Office.

(6) The observations shall be filed preferably in electronic means such as email and the web interface provided by the Office.

(7) Although the third party is sent acknowledgment of the receipt of his observations (if these were not filed anonymously), the Office does not specifically inform him of any further action it takes in response to them beyond subsequent published office actions such as publication of a grant.

(8) The Office shall make every effort to issue the next office action to communicate such observations to the applicant for or proprietor of the patent provided the observations are substantiated.

(9) If the observations call into question the patentability of the invention in whole or in part, they must be taken into account in any proceedings pending before the Office until such proceedings have been terminated. If the observations relate to alleged prior art available other than from a document, e.g., from use, this is taken into account only if the alleged facts either are not disputed by the applicant or proprietor or are established beyond reasonable doubt.

(10) Observations received after the decision to grant/refuse the application shall be included in the file without taking note of their content.

(11) Where an observation was filed during the international phase, ARIPO as designated/elected Office will consider its content upon entry into the Regional phase once this becomes available.

## 11. RULE 23

### *Rule 23* *International Applications*

[.....]

(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 **perform the following acts within 31 months from the date of filing of the application or, if priority has been claimed, from the priority date: within the time limit applicable under Article 22 or 39 (1)(a) of the Patent Cooperation Treaty:**

(a) [.....];

(b) [.....];

(c) [.....];

(d) **file the request for examination provided for in Section 3(3) and Rule 18 (1);**

(e) **specify the application documents, as originally filed or as amended, on which the ARIPO grant procedure is to be based.**

## 12. SCHEDULE OF FEES

### SCHEDULE I: FEES

#### PATENTS

6. <del>Surcharge for each</del> Additional <del>fee</del> for pages from 31 to 100 pages	20
Additional <del>pages</del> fee for pages from 101 and each subsequent page thereafter	30
7. <del>Surcharge</del> <b>Claims fee</b> for each additional claim after 10 claims	50

#### INDUSTRIAL DESIGNS

Kind of Fees	Amount (US Dollars or, where Rule 11(3)(a) applies, the equivalent)
3. [.....]	
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
10th anniversary	36
11th anniversary	42
12th anniversary	48
13th anniversary	54
14th anniversary	60
5. [.....]	

**13. ARIPO FORMS (New and Amended)**

**1. ARIPO FORM NO.1**



<p>ARIPO Form No. 1 HARARE PROTOCOL</p> <p>REQUEST FOR ALTERATION OF NAME OR ADDRESS OR FOR CORRECTION OF ERROR <b>OR VOLUNTARY AMENDMENT</b> (Instruction 5(1)) <b>Section 3(10)(g) Instructions 27(1); (2).</b></p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p>For Official Use</p> <p>Received on:</p>
<p>I. IN THE MATTER OF*:</p> <p>Application for Grant of Patent /Patent No.:.....</p> <p>Filing date:.....</p> <p>Application for Registration of Utility Model/ Utility Model No:.....</p> <p>Filing date:.....</p> <p>Application for Registration of Industrial Design/Industrial Design No:.....</p> <p>Filing date:.....</p>	<p>Applicant`s or Representative`s File Reference:</p>
<p>II. PERSON(S) REQUESTING</p> <p>Name:.....</p> <p>In the capacity of: .....</p> <p>Address:.....</p>	

III. REQUEST\*\*

I/We hereby request that:

the following entry in the: [ ] Patents Register [ ] Utility Model Register [ ] Industrial Designs Register  
in relation to the above-identified matter.....

~~The following document filed in connection with the above-identified matter:~~

-be altered/corrected:

as shown in red ink on the annexed copy of the said entry or documents as follows

.....  
the following agent/representative has been appointed by applicant as the NEW agent on  
record that they be recorded in the            Patents Register    Utility Model Register

Industrial Designs Register in relation to the above-identified matter:

Name:.....

Address:.....

for submission of voluntary amendment of specification (i.e., description, claims, drawing, etc) of  
this application according to Section 3(10)(g) of the Harare Protocol and Administrative  
Instructions 27(1) & (2).

(Specify):.....

IV. SIGNATURE(S)\*\* ..... (Date).....

\* Clearly identify the ~~entry or document~~ matter to be altered or corrected.

\*\* Clearly identify the ~~new agent/representative~~ request

\*\*\* Type name(s) under signature(s).



**2. ARIPO FORM NO. 13A**



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

<p>ARIPO Form No. 13A HARARE PROTOCOL</p> <p>REQUEST FOR SUBSTANTIVE EXAMINATION (Section 3(3); Rule 18(1)(a), Instructions 48(2))</p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare Zimbabwe</p>	<p style="text-align: right;">For Official Use</p> <p>Received on:</p> <hr/> <p>Applicant's or Representative's File Reference:</p>
<p>I. IN THE MATTER OF APPLICATION FOR GRANT OF PATENT:</p> <p>Application No: .....</p> <p>Filing Date: .....</p>	
<p>II. APPLICANT(S)</p> <p>Name: .....</p> <p>Address: .....</p>	
<p>III. I/We hereby request for substantive examination of this application according to Section 3(3) of the Harare Protocol and Rule 18 of the Implementing Regulations.</p>	
<p>IV. FEES TO BE PAID*</p> <p>1. Request for substantive examination fee</p> <p>2. Additional fee <input type="checkbox"/>      3. Claims fee <input type="checkbox"/></p>	
<p>V. SIGNATURE(S)</p> <p>.....</p> <p style="text-align: right;">Date</p>	

\* The request for **substantive** examination is not deemed to be filed until after the request for substantive examination fee **including additional fee and claims fee, if any, have** been paid.

### 3. ARIPO FORM NO. 14



ARIPO Form No. 14 HARARE PROTOCOL  NOTIFICATION OF DECISION REFUSING APPLICATION ON GROUNDS OF NON-COMPLIANCE WITH FORMAL REQUIREMENTS <b>AND TIME LIMITS</b> (Instructions 42(2); 43(2) <b>and Rule 15bis</b> )	For Official Use
To*:	Applicant's or Representative's File Reference:
I. IN THE MATTER OF:  <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Application for grant of patent</span> <span><input type="checkbox"/> Application for registration of utility model</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>Application No.:</span> <span>Filing Date:</span> </div>	
II. APPLICANT(S) Name: Address:	
III. NOTIFICATION  <div style="margin-left: 20px;"> <input type="checkbox"/> We hereby notify the applicant(s), pursuant to Instruction 42(2), that the ARIPO Office has decided to refuse the above-identified application on grounds of non-compliance with the prescribed formal requirements because the applicant(s) failed to respond to the invitation by the ARIPO Office to correct the above-identified application, which was transmitted to the applicant(s) on ARIPO Form No. 11, dated .....                 </div> <div style="margin-left: 20px; color: red; margin-top: 10px;"> <input type="checkbox"/> We hereby notify the applicant(s), pursuant to Rule 15bis, that, for the reasons stated below, the ARIPO Office has made a decision to refuse the above-identified application on grounds of non-compliance with time limit for ..... that expired on ..... (date).                 </div> <div style="margin-left: 20px; margin-top: 10px;"> <input type="checkbox"/> We hereby notify the applicant(s), pursuant to Instruction 42(2), that the ARIPO Office has decided to refuse the above-identified application on grounds of non-compliance with the prescribed formal requirements because the applicant(s) failed to respond to the invitation by the ARIPO Office to correct the above-identified application, which was transmitted to the applicant(s) on ARIPO Form No. 11, dated .....                 </div> <p style="margin-left: 20px; margin-top: 10px;"> <b>ACCORDING TO SECTION 3(4), RULE 15(3) AND INSTRUCTION 43(1), THE APPLICANT MAY, WITHIN TWO MONTHS FROM THE DATE OF THIS NOTIFICATION, REQUEST, ON ARIPO FORM NO. 15, THAT THE ARIPO OFFICE RECONSIDER THE ABOVE NOTIFIED DECISION.</b> </p>	

\* A notification Form No. 14 shall be sent in the first instance to the applicant's representative pursuant to Instruction 42(2) (i.e., when any of the first two boxes is ticked off); if the applicant does not request the ARIPO Office to reconsider its decision refusing the application on grounds of non-compliance with formal requirements or if the ARIPO Office refuses the application notwithstanding such a request for reconsideration (i.e., when the third or fourth box is ticked off), a notification Form No. 14 shall then be sent, pursuant to Instruction 43(2), to the receiving Office and to the industrial property office of each designated State to which an ARIPO Form No. 12 was sent, as well as to the applicant's representative.

**ARIPO Form No. 14 (Cont'd)**

We hereby notify you, pursuant to Instruction 43(2), that the ARIPO Office notified the above applicant(s) of its decision to refuse the above-identified application on grounds of non-compliance with the prescribed formal requirements for the reasons indicated to the applicant(s) on ARIPO Form No. 14, dated ..... (a copy of which is attached hereto), and that, since the said applicant(s) has/have not requested the ARIPO Office to reconsider its decision, as allowed for in Section 3(4), the decision by the ARIPO Office to refuse the said application is considered final.

We hereby notify you, pursuant to Instruction 43(2), that [notwithstanding the applicant's request on ARIPO Form No. 15 dated ..... (a copy of which is attached hereto) for the ARIPO Office to reconsider its decision refusing the above-identified application on grounds of non-compliance with the prescribed formal requirements (notified to the applicant(s) on ARIPO Form No. 14 dated .....)], the ARIPO Office refuses the said application for the following reasons:

ACCORDING TO SECTION 3(8), RULE 19(1) AND INSTRUCTION 54(1), THE APPLICANT MAY, WITHIN THREE MONTHS FROM THE DATE OF THE NOTIFICATION OF THE DECISION REFUSING THE APPLICATION NOTWITHSTANDING THE APPLICANT'S REQUEST FOR RECONSIDERATION UNDER SECTION 3(4), REQUEST, ON ARIPO FORM NO. 23, THAT HIS APPLICATION BE TREATED, IN ANY DESIGNATED STATE, AS AN APPLICATION ACCORDING TO THE NATIONAL LAW OF THAT STATE.

This notification is being sent to\*:

.....  
 .....  
 .....  
 .....

**IV. SIGNATURE\***

Date ..... DIRECTOR GENERAL .....  
 ARIPO Office

\* Indicate all those to whom a notification Form No. 14 identified in connection with above identified application.  
 \*\* Type name of Director General under signature.



**5. ARIPO FORM NO. 17**



<p>ARIPO Form No. 17                  HARARE PROTOCOL                  DECLARATION OF WITHDRAWAL OF PATENT                  APPLICATION (OR PATENT); <b>ADDITION OR</b>                  REDUCTION OF DESIGNATED STATES                  (Rule 17; Instruction 47(1))</p> <p>To: Director General                  ARIPO Office                  P.O. Box 4228                  Harare Zimbabwe</p>	<p>For Official Use</p> <p>Received on:</p> <hr/> <p>Applicant's or Representative's File Reference:</p>
<p>I. IN THE MATTER OF:</p> <p><input type="checkbox"/> Application for grant of patent, No. <span style="float: right;"><input type="checkbox"/> Patent No.</span></p> <p><input type="checkbox"/> A application for registration of utility model <span style="float: right;"><input type="checkbox"/> Utility Model No.</span></p>	
<p>II. PERSON(S) REQUESTING</p> <p>Name:</p> <p>In the capacity of:</p> <p>Address:</p>	
<p>III. REQUEST*</p> <p>I/We hereby advise that we have been instructed to allow:</p> <p><input type="checkbox"/> the application to be withdrawn.</p> <p><input type="checkbox"/> the number of designated States to be <b>added or</b> reduced to ..... with effect from ..... (Date).</p> <p>Please mark your records accordingly.</p>	
<p>IV. SIGNATURE**</p> <p>.....</p> <p style="text-align: right;">(Date)</p>	

\* Clearly identify the entry or document to be altered or corrected.

\*\* Type name(s) under signature(s).

**6. ARIPO FORM NO. 18**



ARIPO Form No. 18 HARARE PROTOCOL  NOTIFICATION OF NON-COMPLIANCE WITH SUBSTANTIVE REQUIREMENTS AND INVITATION TO SUBMIT OBSERVATIONS AND/OR AMENDED APPLICATION  (Rule 18(3); Instruction 50(2))  To*:	<p style="text-align: center;">For Official Use</p> Received on:    Applicant's or Representative's File Reference:
I. IN THE MATTER OF: <input type="checkbox"/> Application for grant of patent <input type="checkbox"/> Application for registration of utility model Application No.:                                                              Filing Date:	
II. APPLICANT(S)  Name:  Address:	
III. NOTIFICATION AND INVITATION Pursuant to Rule 18(3), we hereby notify the applicant(s) that, taking due account of the conclusions of the search and examination report referred to in Rule 18(2) (a copy of which is attached hereto), the ARIPO Office has concluded that the following substantive requirements referred to in Section 3(3), and the Regulations and Instructions pertaining thereto, have not been fulfilled with respect to the above-identified application for the following reasons and therefore hereby invites the applicant(s) to submit, within....(period specified)**, his/their observations and, where applicable, an amended application, together with a request for reconsideration of decision on ARIPO Form No. 19. <b>and the payment of the prescribed fee:</b>	
IV. SIGNATURE***  <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">                     .....                      DIRECTOR GENERAL                      ARIPO Office                 </div> <div style="text-align: center;">                     .....                      (Date)                 </div> </div>	

\* Type name and address of applicant's representative.  
 \*\* See Instruction 50(3).  
 \*\*\* Type name of Director General under signature.

**7. ARIPO FORM NO. 22**



<p>ARIPO Form No. 22 HARARE PROTOCOL</p> <p>COMMUNICATION BY DESIGNATED STATE THAT PATENT OR UTILITY MODEL SHALL HAVE NO EFFECT IN ITS TERRITORY (Section 3(6); Rule 18(5); Instruction 53)</p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare, Zimbabwe</p>	<p>For Official Use</p>
<p>Applicant's or Representative's File Reference:</p>	
<p>I. IN THE MATTER OF</p> <p><input type="checkbox"/> Application for grant of patent          <input type="checkbox"/> Application for registration of utility model</p> <p>Application No.:                                                  Filing Date:</p>	
<p>II. APPLICANT(S)</p> <p>Name:</p> <p>Address:</p>	
<p>III. COMMUNICATION</p> <p>On behalf of ..... (designated State), we hereby communicate to the ARIPO Office, pursuant to Section 3(6), that, if the said Office grants a patent or register a utility model on the above-identified application in accordance with its decision to grant a patent, as notified on ARIPO Form No. 21 dated ....., the said patent shall have no effect in the territory of ..... (designated State) because:</p> <p><input type="checkbox"/> the invention is not patentable in accordance with the provisions of the Protocol and the Rules and Instructions pertaining thereto for the following reasons (citing relevant statutory provisions):</p> <p><input type="checkbox"/> given the nature of the invention which is the subject of the above-identified application, a patent cannot be registered or granted or has no effect under the law of ..... (designated State) for the following reasons (citing relevant statutory provisions, copies of which shall be attached to this communication):</p> <p><b>ACCORDING TO RULE 18(5)(b) THE APPLICANT MAY, WITHIN 1 MONTH, FROM THE DATE OF THIS NOTIFICATION REQUEST, THROUGH THE OFFICE THAT.....(designated State) RECONSIDER THE ABOVE NOTIFIED DECISION.</b></p>	

IV. SIGNATURE\*

.....  
(Date)

INDUSTRIAL PROPERTY OFFICE\*\* .....

\* Type name and title under signature.

\*\* Type name and State of the industrial property Office of the designated State.



## 8. NEW ARIPO FORM NO. 22A



<p>ARIPO Form No. 22A HARARE PROTOCOL</p> <p>NOTIFICATION OR REQUEST BY APPLICANT TO DESIGNATED STATE TO ACCEPT OR RECONSIDER THE DECISION BY DESIGNATED STATE THAT PATENT OR UTILITY MODEL SHALL HAVE NO EFFECT IN ITS TERRITORY (Section 3(6); Rule 18(5); Instruction 53)</p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare, Zimbabwe</p>	For Official Use
	Applicant's or Representative's File Reference:
<p>I. IN THE MATTER OF</p> <p><input type="checkbox"/> Application for grant of patent          <input type="checkbox"/> Application for registration of utility model</p> <p>Application No.:                                          Filing Date:</p>	
<p>II. APPLICANT(S)</p> <p>Name:</p> <p>Address:</p>	
<p>III. NOTIFICATION OR REQUEST</p> <p><input type="checkbox"/> Accept the Designated decision and withdraw the State (See the attached ARIPO Form 17).</p> <p><input type="checkbox"/> Conversion of the application to National Application (See attached ARIPO Form 23).</p> <p><input type="checkbox"/> Request the Designated State to reconsider its decision based on (see attached Documents).</p>	

IV. SIGNATURE\*

.....

.....

(Date)

\* Type name and title under signature.

**9. NEW ARIPO FORM NO. 22B**



ARIPO Form No. 22B HARARE PROTOCOL COMMUNICATION BY DESIGNATED STATE OF NOTICE OF ACCEPTANCE OF APPLICATION AFTER RECONSIDERING APPLICANT’S REQUEST (Section 3(6)(d)) To: Director General ARIPO Office P.O. Box 4228 Harare, Zimbabwe	For Official Use
	Applicant’s or Representative’s File Reference:
I. IN THE MATTER OF [ ] Application for grant of patent                      [ ] Application for registration of utility model Application No.:                                                  Filing Date:	
II. APPLICANT(S) Name: Address:	
III. COMMUNICATION On behalf of ..... (designated State), we hereby communicate to the ARIPO Office that the above identified application dated ..... has been accepted with respect to the territory of ..... (designated State).	
IV. SIGNATURE* ..... ..... (Date)	

\* Type name and title under signature.  
 \*\* Type name and State of the industrial property Office of the designated State.

**10. ARIPO FORM NO. 37**



<p>ARIPO Form No. 37 HARARE PROTOCOL</p> <p>COMMUNICATION BY DESIGNATED STATE THAT REGISTRATION OF INDUSTRIAL DESIGN SHALL HAVE NO EFFECT IN ITS TERRITORY (Section 4(3); Instruction 68)</p> <p>To: Director General ARIPO Office P.O. Box 4228 Harare, Zimbabwe</p>	<p>For Official Use (by ARIPO Office)</p> <p>Received on:</p>
<p>I. IN THE MATTER OF APPLICATION FOR REGISTRATION OF INDUSTRIAL DESIGN</p> <p>Application No.: _____ Filing Date: _____</p>	
<p>II. APPLICANT(S)</p> <p>Name: _____</p> <p>Address: _____</p>	
<p>III. COMMUNICATION</p> <p>On behalf of ..... (designated State), we hereby communicate to the ARIPO Office, pursuant to Section 4(3), that, if the said Office registers the industrial design pursuant to the above-identified application in accordance with its decision that said application complies with the prescribed formal requirements, as notified on ARIPO Form No. 34 dated ....., the said registration shall have no effect in the territory of ..... (designated State) because:</p> <p>[ ] the industrial design is not new for the following reasons:</p> <p>[ ] given the nature of the industrial design which is the subject of the above-identified application, it cannot be registered or a registration has no effect under the law of ..... (designated State) for the following reasons (citing relevant statutory provisions, copies of which shall be attached to this communication):</p> <p>[ ] the industrial design is a textile design which is the subject of a special register.</p> <p><b>ACCORDING TO RULE 18quater (2)(b) THE APPLICANT MAY, WITHIN 1 MONTH FROM THE DATE OF THIS NOTIFICATION REQUEST, THROUGH ARIPO THAT THE ..... (designated State) RECONSIDER THE ABOVE NOTIFIED DECISION.</b></p>	

IV. SIGNATURE\*

.....

(Date)

INDUSTRIAL PROPERTY OFFICE\*\* .....

\* Type name and title under signature.

\*\* Type name and State of the industrial property office of the designated State.

**11. NEW ARIPO FORM NO. 37A**



<p>ARIPO Form No. 37A HARARE PROTOCOL</p> <p>NOTIFICATION OR REQUEST TO ACCEPT OR RECONSIDER DECISION BY DESIGNATED STATE THAT INDUSTRIAL DESIGN SHALL HAVE NO EFFECT IN ITS TERRITORY</p> <p>(Section 4(3); Rule 19, Instruction 68, 69)</p> <p>To: Director General ARIPO Office P.O. Box 4228 HARARE Zimbabwe</p>	<p>For Official Use (by ARIPO Office)</p> <p>Received on:</p>
<p>I. IN THE MATTER OF APPLICATION FOR REGISTRATION OF INDUSTRIAL DESIGN</p> <p>Application No.: _____ Filing Date: _____</p>	
<p>II. APPLICANT(S)</p> <p>Name: _____</p> <p>Address: _____</p>	
<p>III. REQUEST</p> <p>The above identified applicant(s), in pursuant to Section 4(3) and in response to the notification that the industrial design shall have no effect in the territory of..... (designated State) hereby submit</p> <p><input type="checkbox"/> Accept the decision by the designated state and withdraw the state (Attached Form 36)</p> <p><input type="checkbox"/> Convert the application to national application (Attached Form 38)</p> <p><input type="checkbox"/> Request the designated state to reconsider its decision based on the attached document</p>	

IV. SIGNATURE\*

.....

.....

(Date)

\* Type name and title under signature.

**12. NEW ARIPO FORM NO. 37B**



<p>ARIPO Form No. 37B          HARARE PROTOCOL          COMMUNICATION BY DESIGNATED STATE OF          NOTICE OF ACCEPTANCE OF APPLICATION          AFTER RECONSIDERING APPLICANT'S REQUEST          (Section 4(3): Instruction 68)</p> <p>To: Director General          ARIPO Office          P.O. Box 4228          HARARE          Zimbabwe</p>	<p>For Official Use          (by ARIPO Office)</p> <p>Received on:</p>
<p>I. IN THE MATTER OF APPLICATION FOR REGISTRATION OF INDUSTRIAL DESIGN</p> <p>Application No.: _____ Filing Date: _____</p>	
<p>II. APPLICANT(S)</p> <p>Name: _____</p> <p>Address: _____</p>	
<p>III. COMMUNICATION</p> <p>On behalf of ..... (designated State), we hereby communicate to the ARIPO Office, that the above identified application dated..... has been accepted with respect to the territory of.....(designated State).</p>	
<p>IV. SIGNATURE*</p> <p>..... (Date)</p> <p>INDUSTRIAL PROPERTY OFFICE** .....</p>	

\* Type name and title under signature.

\*\* Type name and State of the industrial property office of the designated State.

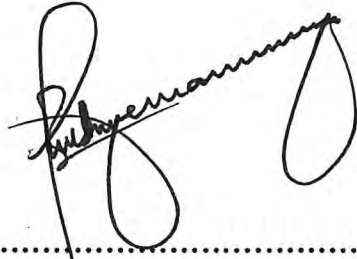


**13. NEW ARIPO FORM NO. 49**



<p>ARIPO Form No. 49 HARARE PROTOCOL</p> <p><b>COMMUNICATION BY DESIGNATED STATE OF A NOTICE OF ACCEPTANCE OF AN APPLICATION FOR GRANT OF PATENT OR REGISTRATION OF UTILITY MODEL OR INDUSTRIAL DESIGN</b> (Rule 18(5)(c))</p> <p>To:</p>	<p style="text-align: center;">For Official Use</p> <p>Received on:</p> <hr/> <p>Applicant's or Representative's File Reference:</p>
<p>I. IN THE MATTER OF:</p> <p><input type="checkbox"/> Application for grant of patent</p> <p><input type="checkbox"/> Application for registration of utility model</p> <p><input type="checkbox"/> Application for registration of Industrial Design</p> <p>Application No.: .....</p> <p>Filing Date: .....</p>	
<p>II. APPLICANT(S)</p> <p>Name:</p> <p>Address:</p>	
<p>III. COMMUNICATION:</p> <p>On behalf of ..... (designated State), we hereby communicate to the Office, pursuant to Rule 18(5)(c), that the above identified application is acceptable for grant or registration. Any objections that may have been communicated are hereby removed through this notice.</p>	
<p>IV. SIGNATURE*</p> <p>.....</p> <p style="text-align: right;">..... (Date)</p>	

[END OF NOTIFICATION]

A handwritten signature in black ink, appearing to read 'Bemanya Twebaze', written over a horizontal dotted line. The signature is stylized with loops and a long horizontal stroke.

Signature: .....

Date: 20.12.2021

**Bemanya Twebaze**  
**DIRECTOR GENERAL**