

TRADEMARK REGISTRATION UNDER THE AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO).

ARIPO has the mandate to register marks and administer such registered marks on behalf of the Banjul Protocol Contracting States. It provides a regional platform and centralized system for the protection of intellectual property rights, allowing businesses to protect their trademarks across multiple African countries. The protocol is currently operational in 13 states out of the 22 member states namely Botswana, Cape Verde, Eswatini, Gambia, Lesotho, Liberia, Malawi, Mozambique, Namibia, São Tomè and Príncipe, United Republic of Tanzania and Zimbabwe.

Procedures for Trademark Registration.

01. Filing Application.

Application for registration of a trademark should be made on prescribed form, No. M1 and at the application fee of either 100 USD for paper filing or 80 USD for electronic filing. The applicant or their authorized representative can file the application either electronically, directly with the Office or with the Industrial Property Office of a contracting state.

On receipt of the application, ARIPO office undertakes an examination of the application vis-à-vis filing requirements to determine the filing date of the application.

02. Formality Examination

The office will assess whether the formal requirements have been complied with. Where the application complies with all the formal requirements, the Office shall notify each designated state and if the office determines that the application does not meet the formal requirements, the applicant will be notified and requested to comply.

03. Substantive Examination

Each of the designated states is required within nine months from the date of the notification to examine the application in accordance with the national laws and make a written communication to ARIPO on whether the application is accepted or rejected.

The designated state must provide the applicant with reasons for any refusal, and the applicant must be given an opportunity to respond either through ARIPO or the designated state in question. If some designated states do not object, the mark application may proceed to registration in respect to those states.

04. Publication and Registration

Where all designated states issue notice of acceptance earlier than the specified period of 9 months, the applicant may request for an early publication upon payment of fees of USD 100.

Applications which have been accepted by the designated states on substantive examination will be published in the ARIPO journal and in 3 months it would be registered upon payment of the required fees of 100 USD. The office will issue a certificate of registration to the applicant in a prescribed form No. M 12.

Prepared by
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Should there be any question,
please do not hesitate to
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About ECA

A modern Law Firm, aimed at transforming the dynamics of business relationships by providing pro-active, accessible, efficient, ethical and reliable solutions on Corporate, Tax, Intellectual Property, Mining, Oil & Gas, Insurance, Investment and Competition, Employment, Telecommunication, Aviation, Litigation and Banking and Finance Law

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05. Duration and Renewals

The duration of registration of a registered mark is 10 years from the date of filing. The registration may be renewed for a further period of 10 years on payment of the prescribed renewal fees of 100 USD.

In conclusion, registering a trademark with ARIPO is crucial for protecting a brand or product in multiple countries within the African region. A successful registration provides the trademark owner with exclusive rights to use and protect their mark in all ARIPO member countries, which can be cost effective compared to registering separately in each country.

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