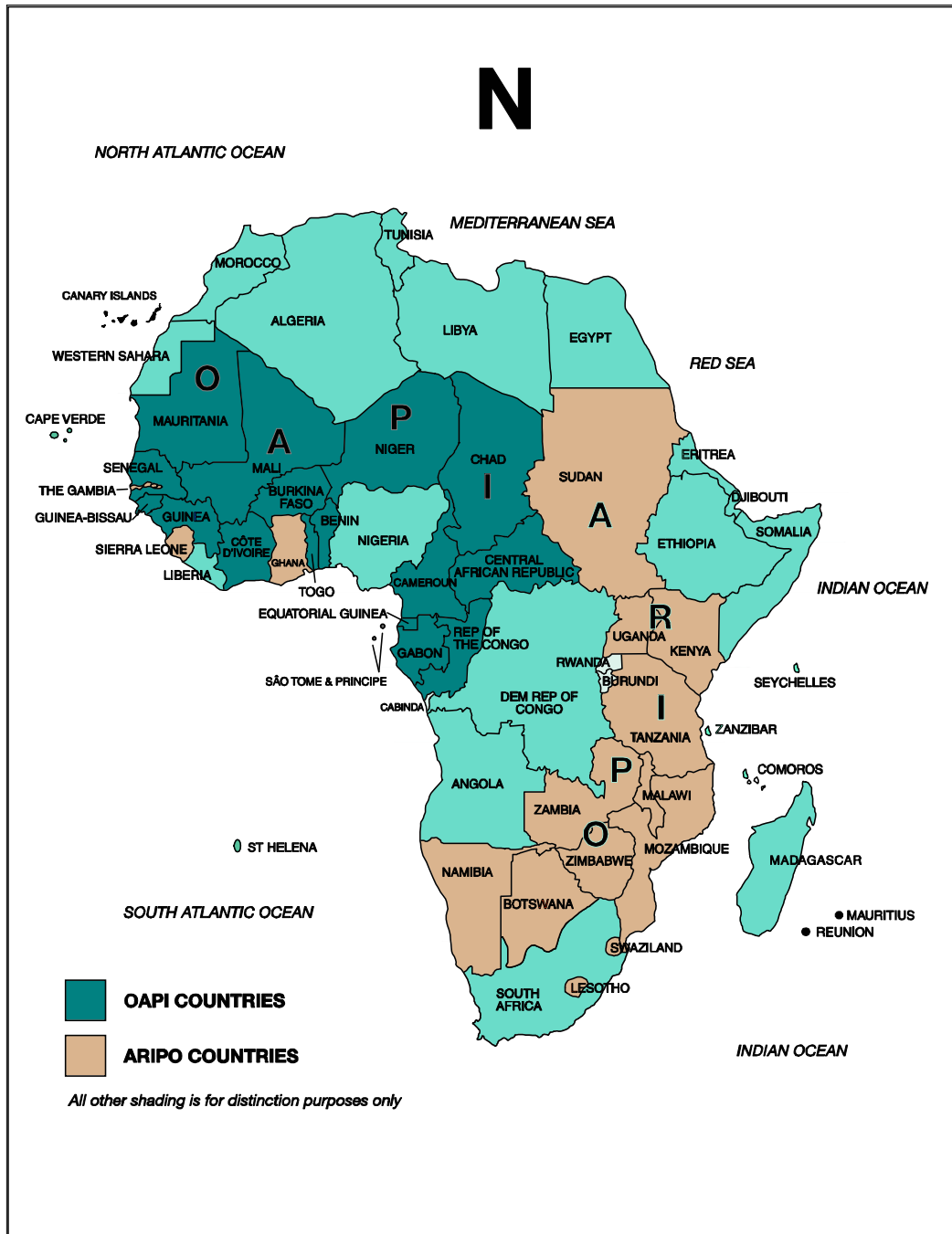


MEMORANDUM ON PATENT PROTECTION AVAILABLE IN AFRICA AND SURROUNDING ISLANDS



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Algeria

Patent and registered design protection are obtainable by national filings. A patent specification in the French language is required with the Arabic translation thereof, or vice versa. Algeria is a member of the International Convention and PCT.

Angola

Patent protection is obtainable via a national filing. Industrial designs and utility models can also be protected. A patent specification in the Portuguese language or in English for translation into Portuguese is required. Although Angola is apparently in the process of depositing its accession documents, it is not yet bound by the International Convention nor PCT. However, Angola does recognise claims to priority provided the application is filed within twelve months of the first filed application.

Benin

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Benin is a member of the International Convention, PCT and of OAPI.

Botswana

Patent and registered design protection are available via national filings. Botswana is a member of the International Convention, ARIPO, and PCT.

Burkina Faso

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Burkina Faso is a member of the International Convention, PCT and of OAPI.

Burundi

Patent and registered design protection are obtainable via national filings. A patent specification in the French language is required. Burundi is a member of the International

Convention. A granted foreign patent can also be registered in Burundi by way of a patent of importation.

Cameroon

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Cameroon is a member of the International Convention, PCT and of OAPI.

Cape Verde

No patent or design protection is currently available.

Central African Republic

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Central African Republic is a member of the International Convention, PCT and of OAPI.

Chad

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Chad is a member of the International Convention, PCT and of OAPI.

Comoros Islands

No patent or design protection is currently available.

Congo

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Congo is a member of the International Convention, PCT and of OAPI.

Congo, Democratic Republic of (previously Zaire)

Patent protection is obtainable via a national filing, and industrial designs and models are also registrable in The Democratic Republic of Congo. A granted foreign patent can also be registered by way of a patent of importation. A patent specification in the French language is required. The Democratic Republic of Congo is a member of the International Convention.

Djibouti

Patent and registered design protection are obtainable via national filings in Djibouti. Djibouti is a member of the International Convention but not of PCT. According to the Djibouti Registry, Djibouti laws have not yet been ratified to cater for the filing of patent applications and until the legislature has been amended, they will not accept any patent applications. We have been informed that the new law is expected to come into force within the next couple of months.

Egypt

Patent and registered design protection are obtainable via national filings. A patent specification in the Arabic language is required. Egypt is a member of the International Convention and PCT.

Equatorial Guinea

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Equatorial Guinea is a member of the International Convention, PCT and of OAPI.

Eritrea

Eritrea was a province of Ethiopia and became independent of Ethiopia in May 1993. No patent or design protection is currently available in this country.

Ethiopia

Patent and registered design protection are available via national filings. A patent specification in the English language is required. Patent protection is also obtainable by registering a granted foreign patent as a patent of importation.

Gabon

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Gabon is a member of the International Convention, PCT and of OAPI.

Gambia

Senegal and Gambia form the confederation of Senegambia. Both countries, which have not yet merged into a single entity, still maintain their separate industrial property laws. Gambia is a member of ARIPO and PCT. Patent and registered design protection are obtainable in Gambia by way of confirmation of UK patents and UK design registrations, or by way of an ARIPO application. See below for Senegal.

Ghana

Patent protection is obtainable via a national filing or by way of an ARIPO application. Designs registered in the United Kingdom, other than textile designs, are automatically protected in Ghana. Patent and registered design protection are also obtainable under the ARIPO treaty. Ghana is a member of the International Convention and PCT.

Guinea

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Guinea is a member of the International Convention, PCT and of OAPI.

Guinea Bissau

Patent protection is obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent protection via a national filing. Guinea Bissau is a member of PCT and of OAPI.

Ivory Coast - (Côte d'Ivoire)

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Ivory Coast is a member of the International Convention, PCT and of OAPI.

Kenya

Inventions, utility models and industrial designs can be protected in Kenya. Patent and registered design protection are obtainable via national filings. A patent specification in the English language is required. Kenya is a member of the International Convention, PCT and of ARIPO.

Lesotho

Patent and design protection are obtainable via national filings or by way of ARIPO applications. A patent specification in the English language is required. Lesotho is a member of the International Convention, PCT and of ARIPO.

Liberia

Patent protection is obtainable via a national filing. A patent specification in the English language is required. As far as we are aware, design protection is not obtainable. Liberia is a member of the International Convention and of PCT.

Libya

Patent, design and utility model protection can be obtained via national filings in Libya. Patent specifications in the Arabic and English languages are required. Libya is a member of the International Convention and PCT but currently does not accept PCT national phase applications.

Malagasy Republic/Madagascar

Patent protection and industrial design protection can be obtained by national filings in Madagascar. A patent specification in the Malagasy or French language is required. Madagascar is a member of the International Convention and PCT.

Malawi

Patent and design protection are obtained via national filings in Malawi and by way of an ARIPO filing. A patent specification in the English language is required. Malawi is a member of the International Convention, PCT and of ARIPO.

Mali

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Mali is a member of the International Convention, PCT and of OAPI.

Mauritania

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Mauritania is a member of the International Convention, PCT and of OAPI.

Mauritius

Patent and design protection is obtainable via a national filing. A patent specification in the English language is required. Mauritius is a member of the International Convention.

Morocco

The Kingdom of Morocco used to be divided into two zones - a Casablanca zone (French zone) and a Tangier zone. Patent and design protection is obtainable via a national filing and a single application covers both zones. A patent specification in the French language is required. Morocco is a member of the International Convention and PCT.

As far as we are aware, patent protection obtained for Morocco presently covers Western Sahara as well.

Mozambique

Patent protection is obtainable via a national filing. Industrial designs and utility models can also be protected. A patent specification in the Portuguese language or in English for translation into Portuguese is required. Mozambique is a member of the International Convention, ARIPO and PCT.

Namibia

Patent and registered design protection are obtainable via national filings in Namibia. A patent specification in the English language is required. Namibia is a member of the International Convention, ARIPO and PCT.

Niger

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Niger is a member of the International Convention, PCT and of OAPI.

Nigeria

Patent and registered design protection are obtainable via national filings. A patent specification in the English language is required. Nigeria is a member of the International Convention. Nigeria is a member of PCT but currently does not accept PCT national phase applications.

Rwanda

Patent and registered design protection are obtainable via national filings in Rwanda. A patent specification in the French language is required. Rwanda is a member of the International Convention. A granted foreign patent can also be registered in Rwanda by way of a patent of importation.

São Tomé and Príncipe - (St Thomas and Prince's Islands)

No patent or design protection is currently available. However, it appears that a new industrial property law may have come into force recently. We are endeavouring to obtain further details. São Tomé and Príncipe are members of the International Convention.

Senegal

As mentioned above under Gambia, Senegal and Gambia form the Confederation of Senegambia. Both countries, which have not yet merged into a single entity, still maintain their separate Industrial Property Laws. Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Senegal is a member of the International Convention, PCT and of OAPI.

Seychelles

Patent protection is obtainable via a national filing in Seychelles. It appears that it is still possible to obtain patent protection in the Seychelles by way of confirmation of a UK patent

(we are endeavouring to get clarity in this regard). Seychelles is a member of PCT but no implementing legislation has been passed. The Seychelles Patent Office accepts PCT national phase applications, but applies the old Act and fees and the applications will remain dormant until new legislation is passed. Seychelles may soon become a member of ARIPO.

Sierra Leone

Patent protection is obtainable via a national filing in Sierra Leone. A patent specification in the English language is required. Sierra Leone is a member of the International Convention, ARIPO and PCT. Patent protection in Sierra Leone may possibly still be obtainable by confirmation of a United Kingdom patent. United Kingdom design protection automatically extends to Sierra Leone.

Somalia (Somali Democratic Republic)

Patent protection is obtainable by way of a national filing and ornamental designs and models as well as utility models are registrable in Somalia. Somalia is a member of ARIPO but, as far as we are aware, has not yet ratified the Harare protocol on patents and industrial designs, nor passed implementing legislation. ARIPO will not accept designation of Somalia in an ARIPO application. A patent specification in the Italian or Arabic language is required.

South Africa

Patent and design protection are obtainable via national filings. A patent specification in the English language is required. South Africa is a member of the International Convention and PCT.

St. Helena

Patent protection in St. Helena is obtainable only by confirmation of a United Kingdom patent. A United Kingdom design extends automatically to St. Helena.

Sudan

Patent protection in Sudan is obtainable by way of a national filing. No design protection is currently available in Sudan but a certain degree of protection can be obtained by publishing cautionary notices in English and Arabic in the official Gazette and subsequently filing copies of the published notices and relevant documents relating to the design, with the Registrar of the Higher Court in Khartoum. A patent specification in the English or Arabic languages is required. Sudan is a member of the International Convention, PCT and of ARIPO.

Swaziland

A granted UK patent and a UK registered design automatically extend to Swaziland. It is also still possible to register a granted South African patent or granted South African design in Swaziland. However, a bill for a new Intellectual Property Act has been published in Swaziland but has not yet been promulgated. A patent specification in the English language is required. Swaziland is a member of PCT and ARIPO.

Tanzania

Tanzania comprises Tanganyika and Zanzibar. Patent protection must separately be obtained. Patent protection is obtainable in Tanganyika by way of a national filing. In Zanzibar patent protection is obtainable only via confirmation of a UK patent. A patent specification in the English language is required. We understand that UK design registrations no longer extend to Tanzania, and design protection is no longer available. Tanzania (Tanganyika) is a member of the International Convention, PCT and ARIPO.

Togo

Patent and registered design protection are obtainable only via OAPI (see paragraph on OAPI below). It is not possible to obtain patent or design protection via a national filing. Togo is a member of the International Convention, PCT and of OAPI.

Tunisia

Patent and design protection are obtainable by way of national filings. A patent specification in French or Arabic is required. Tunisia is a member of the International Convention and PCT.

Uganda

Patent protection is obtainable by way of a national filing. It is no longer possible to obtain confirmation of a UK patent in Uganda. As far as we are aware, United Kingdom design registrations still automatically extend to Uganda but this situation may have changed. Uganda is a member of the International Convention, PCT, and ARIPO.

Western Sahara

A unified law was passed on 9 March 2000 and came into force on 9 September 2000. This unifies Morocco and Western Sahara. It appears that patent protection obtained for Morocco presently covers Western Sahara as well.

Zaire (see Congo, Democratic Republic of)

Zambia

Patent and registered design protection are obtainable via national filings in Zambia. A patent specification in the English language is required. Zambia is a member of the International Convention, ARIPO and PCT.

Zanzibar

See our comments above relating to Tanzania.

Zimbabwe

Patent and registered design protection are obtainable via national filings in Zimbabwe. A patent specification in the English language is required. Zimbabwe is a member of the International Convention, ARIPO and PCT.

ARIPO is the African Regional Industrial Property Organization for English-speaking Africa. The member countries are Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Sierra Leone, Sudan, Swaziland, Tanzania (Tanganyika region), Uganda, Zambia and Zimbabwe. Somalia is a member of ARIPO but, as far as we are aware, has not yet ratified the Harare protocol on patents and industrial designs, nor passed implementing legislation. An ARIPO application is subjected to substantive examination. When granted, the patent extends automatically to the designated member countries and is subject to the respective national laws. ARIPO can be designated for the national phase of a PCT application, but such application will cover only members of PCT, i.e. Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Sierra Leone, Sudan, Swaziland, Tanzania (Tanganyika region), Uganda, Zambia and Zimbabwe. ARIPO is a member of PCT and Convention priority can be claimed. (Seychelles may soon become a member of ARIPO we understand.)

OAPI (AIPO ie African Intellectual Property Organization) covers French-speaking Africa.

OAPI is unique in that its member countries have renounced their national sovereignty to convey to the patentee a single title of protection valid in each country. Hence designation of countries is not required, i.e. all OAPI applications are in respect of all member countries, viz Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal and Togo. OAPI is a member of PCT and Convention priority can be claimed.

Confirmation of UK Registrations

- (a) Patent protection is obtainable by confirmation of UK patents in the following countries: Gambia, Sierra Leone (questionable), St. Helena, and Tanzania (Zanzibar), and UK patents extend automatically to Swaziland. An application for confirmation of a United Kingdom patent must be made within three years from date of issue of the United Kingdom patent.
- (b) Registered design protection is obtainable in Gambia by confirmation of a UK design registration, and UK design registration extends automatically to the following countries: Ghana (not textile designs), Sierra Leone, St. Helena, and Swaziland.

Patents of Importation

In certain African countries, it is possible to file an application for a patent of importation based on a granted foreign patent. Any foreign patent which is in force may be used as the basis for a patent of importation. The following is a list of African countries in which an application for a patent of importation may be filed:

Burundi
Democratic Republic of Congo (previously Zaire)
Ethiopia
Rwanda

Non-PCT African Countries having independent patent systems

The following is a list of African countries which are not members of the PCT and which do have independent patent systems in place:

Burundi
Democratic Republic of Congo (previously Zaire)
Libya
Mauritius

Rwanda
Somalia
Tanzania (Zanzibar region)

Non-PCT African Countries in which no patent protection is currently available

Cape Verde
Comores
Eritrea
São Tomé and Príncipe (St Thomas and Prince's Islands) - possible new industrial property law, we are endeavouring to obtain details

As you will appreciate, the intellectual property situation in Africa is changing continually, and although we endeavour to keep pace with the changes, we cannot accept liability in the event that the information we provide proves to be incorrect or inaccurate.

COUNTRY	COST ESTIMATE	COMMENTS
Algeria	\$2500 - \$3000	Surcharges payable on claims over 10 and pages of the specification over 10
Angola	\$1700 - \$2000	Excludes Portuguese translation charges
Botswana	\$1200 - \$1500	
Burundi	\$3700 - \$4000	Excludes French translation charges
Democratic Republic of Congo	\$3700 - \$4000	Excludes French translation charges
Egypt	\$1700 - \$2000	Excludes Arabic translation charges
Ethiopia	\$2500 - \$2800	
Gambia	\$1500 - \$1800	
Ghana	\$1700 - \$2000	
Kenya	\$2000 - \$2300	Surcharges payable on claims over 10
Lesotho	\$1200 - \$1500	
Liberia	\$2100 - \$2400	
Libya	\$1700 - \$2000	Excludes Arabic translation charges
Madagascar	\$2500 - \$2800	Excludes French translation charges. Surcharges payable on claims over 10 and pages of the specification over 20
Malawi	\$1500 - \$1800	
Mauritius	\$1700 - \$2000	
Morocco	\$2500 - \$2800	Excludes French translation charges. Publication fees payable on lines in the specification over 250.
Mozambique	\$2000 - \$2300	Excludes Portuguese translation charges.
Namibia	\$1200 - \$1500	
Nigeria	\$1800 - \$2100	
Rwanda	\$3700 - \$4000	Excludes French translation charges
Seychelles	\$1300 - \$1600	
Sierra Leone	\$1700 - \$2000	
St Helena	\$1200 - \$1500	
Sudan	\$1500 - \$1800	
Swaziland	\$1200 - \$1500	
Tanzania ^{Tanganyika}	\$1500 - \$1800	
Tunisia	\$2000 - \$2300	Excludes French translation charges. Surcharges payable on claims over 10
Uganda	\$2500 - \$2800	
Zambia	\$1700 - \$2000	
Zimbabwe	\$1800 - \$2100	
ARIPO	\$6000 - \$6500	Surcharges payable on claims over 10 and pages of the specification over 30 (only payable with grant and publication fees)
OAPI	\$6000 - \$6500	Excessive surcharges payable on claims over 10 and pages of the specification over 10

*Member countries of ARIPO