



Trademark Registration process under ARIPO

The ARIPO trademark system is governed under the Banjul Protocol on marks. This Protocol is currently operational in 12 of the 20 Member States. The states signatories to the Banjul Protocol are herein referred to as Banjul Protocol contracting states.

Required documents:

1. Application for registration of a trademark should be made on a prescribed form. The application form must contain the following:-the applicant's name and address
-designation of the Banjul Protocol contracting state(s)
-corresponding class/ classes of the goods and / services in accordance with the Nice Classification
-name(s) of colors(s) claimed if any) as a distinctive feature of the mark a reproduction of the mark in the form of a two dimensional, graphic or photographic reproduction, a declaration of actual use or intention to use the mark
2. Power of Attorney.
3. English translation.

The process:

Application to ARIPO

On receipt of the application, the ARIPO Office undertakes an examination of the application. The examination is to determine a filing date of the application.

A filing date is accorded on an application if it meets the following conditions:

- containing of an express or implied indication that registration is sought
- disclosure of the identity of the applicant
- indications sufficient to contact the applicant or his representatives
- a clear reproduction of the mark for which registration is sought
- a list of goods or/ and services for which registration is sought

Formality & and Substantive Examinations

The ARIPO Office will examine the application as to formality and this entails checking that



application form is duly completed as per the prescribed requirements,

that if the application is led by a representative a power of attorney is lodged and that the requisite application fees has been paid or a statement of commitment to settle them within 21 working days there-from (payable in US dollar) is attached. If priority is being claimed, the applicant will need to lodge a priority document.

Priority subsists within six months.

Appeals and Conversions

The ARIPO Office can refuse an application due to noncompliance with formal requirements. The applicant can request the office to reconsider the refusal.

If the Office still refuses, the applicant can appeal against the decision to the Office of the AROIO Board of Appeal or may within three months from the date of

refusal request that the application be treated in any designated state as an application according to national law of that state (conversion).

The decision of the board of appeal is appeal is final.

Substantive Examination

Substantive examination is conducted by a designated state in accordance with its national laws.

Each of the designated states is given nine months within which to notify the ARIPO Office in writing (after the notification by ARIPO Office that the mark shall have no effect in that state registered).

The designated state should give reasons for its refusal according to the national laws and this is communicated to the Office.

The office then communicates the refusal to the applicant who is given an opportunity to respond either through the Office or the designated state concerned.

The refusal is subject to appeal or review under the national laws of the designated state. The mark application may proceed to registration with respect to other designated states which did not object.



Registration, Public and Opposition

Mark applications that have been accepted by designated states on substantive examination are published in the ARIPO Journal and, three months from the publication, of the Office will register the mark upon payment of a registration fee by the applicant. The Office will then issue a certificate of registration to the applicant.

During the publication of the mark in the journal any person may give notice of opposition is dealt with in accordance with the national laws.

Effect of Registration

The registration of a registered mark is ten years from the date of filing.

The registration may be renewed for a further ten years on payment of the prescribed renewal fee.

Rights conferred by the registered mark are the same in every designated state.

Fees:

Depends with the number of the designated states.