



# BANJUL PROTOCOL ON MARKS

2026



Adopted at  
Banjul, The Gambia  
1993



**Banjul Protocol  
on Marks  
2026 Edition**

**ARIPO Secretariat  
Harare  
2026**

**Banjul Protocol on Marks (2026 Edition).**

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### **BANJUL PROTOCOL ON MARKS WITHIN THE FRAMEWORK OF THE AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO) (1993)**

#### **List of Contracting States**

(Status as of January 1, 2026)

<b>State</b>	<b>Date on which State became party to the Protocol</b>
Botswana.....	October 29, 2003
Cape Verde .....	October 14, 2022
Eswatini.....	March 6, 1997
The Gambia .....	August 3, 2021
Lesotho .. .....	February 12, 1999
Liberia .....	March 24, 2010
Malawi .....	March 6, 1997
Mozambique .....	August 15, 2020
Namibia .....	January 14, 2004
São Tomé and Príncipe.....	February 27, 2016
Uganda.....	November 21, 2000
United Republic of Tanzania.....	September 1, 1999
Zimbabwe.....	March 6, 1997

**(No. of States: 13)**



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

**BANJUL PROTOCOL  
ON MARKS**

adopted by the Administrative Council at Banjul, The Gambia, on November 19, 1993 and amended on November 28, 1997, May 26, 1998, November 26, 1999, November 21, 2003, November 25, 2013, November 17, 2015, November 22, 2017, November 23, 2018 and November 20, 2019, August 26, 2021, December 8, 2021, November 25, 2022 and November 18, 2025.

and

**REGULATIONS FOR IMPLEMENTING  
THE BANJUL PROTOCOL**

adopted by the Administrative Council at Kariba, Zimbabwe, on November 24, 1995 and amended on November 28, 1997, May 26, 1998, November 26, 1999, November 21, 2003, November 25, 2013, November 17, 2015, November 22, 2017, November 23, 2018 and November 20, 2019, August 26, 2021, December 8, 2021, November 25, 2022 and November 18, 2025.

## **PREAMBLE**

The Contracting States of this Protocol:

Having regard to the Agreement on the Creation of the African Regional Intellectual Property Organization (ARIPO), formerly known as the Industrial Property Organization for English-Speaking African (ESARIPO), concluded in LUSAKA, Zambia, on December 9, 1976;

In accordance with the objectives of ARIPO generally and in particular Article III (c), which provides for the establishment of such common services or organs as may be necessary or desirable for the coordination, harmonization and development of the intellectual property activities affecting the Member States; and

Considering the advantages to be gained by pooling resources in respect of intellectual property administration:

Hereby agree as follows: -

## **PART 1 GENERAL PROVISIONS**

### **Section 1 Interpretation**

For the purposes of this Protocol:

- (a) “Administrative Council” means the Administrative Council established by the ARIPO;
- (b) “applicant” means any natural person or legal entity in whose name an application is filed, or any successor in title thereto.
- (c) “Application” means an application for registration of an ARIPO mark;
- (d) “ARIPO Journal” means the Journal published by the Office;
- (e) “ARIPO Mark” means a mark registered under this Protocol;
- (f) “Assignment” means transfer of rights by act of parties under this Protocol;
- (g) “Contracting State” means the State that has ratified or acceded to this Protocol;
- (h) “Designated State” means any State designated in an ARIPO application;
- (i) “Director General” means the Director General of ARIPO.
- (j) “International Classification” means the classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, 1957 as revised or amended;

## **Banjul Protocol on Marks**

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- (k) “Legal entity” refers to any corporation, association, partnership, or other organization which, pursuant to the laws governing its formation and existence, possesses the capacity to acquire rights, incur obligations, and to initiate or be subject to legal proceedings in a court of law.
- (l) “Mark” means a sign or combination of signs that is capable of distinguishing the goods and/or services of one undertaking from those of other undertakings, and as defined in the national law of each Designated State.
- (m) “Office” means the ARIPO Office;
- (n) “Official or officially recognized exhibition” means an exhibition recognized by a State or falling within the terms of the Convention on International Exhibitions
- (o) “Paris Convention” means the Paris Convention for the Protection of Industrial Property, 1883, as revised or amended;
- (p) “Protocol” means the Banjul Protocol on Marks within the Framework of the African Regional Intellectual Property Organization adopted at Banjul, The Gambia, on November 19, 1993;
- (q) “Register” means the Register of Marks under this Protocol;
- (r) “Regulations” means the Regulations for Implementing this Protocol;
- (s) “Representative” means: a person authorised through a power of attorney to act on behalf of the applicant with respect to the Office, who resides in any Contracting State, and has the relevant qualifications to represent applicants before the industrial property office of the Contracting State.
- (t) “Transmission” means transfer by operation of law, devolution on the personal representative of a deceased person, and any other mode of transfer not being an assignment.

### **Section 2 Scope**

This Protocol shall apply to the registration of Marks under the framework of ARIPO.

### **Section 3 Administration**

ARIPO shall register marks and administer the registered marks on behalf of the Contracting States in accordance with this Protocol, through the Office.

### **Section 4 Fees**

- (1) The Office shall charge fees for services rendered under this Protocol as prescribed by the Regulations.

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## **Banjul Protocol on Marks**

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(2) The Regulations shall specify the fees to be paid, the manner in which they are to be paid, the time limit, and the consequences that shall apply.

### **Section 5 Distribution of Fees**

Fees collected in accordance with this Protocol shall be distributed between the Office and the Contracting States as prescribed in the ARIPO Financial Regulations.

### **Section 6 Time Limits**

(1) Where this Protocol does not specify a time limit for a process, such time limits shall be prescribed in the Regulations.

(2) The Regulations shall, in particular, specify-

- (a) the time limits which are to be observed in proceedings before the Office;
- (b) the manner of computation of time limits; and
- (c) the conditions under which time limits may be extended.

### **Section 7 Applicable Law**

A mark registered by the Office shall, in each Designated State, be subject to the applicable national laws.

## **PART 2 REGISTRATION OF A MARK APPLICATION**

### **Section 8 Entitlement to File an Application**

(1) Any natural or legal entity shall be eligible to apply for registration of an ARIPO mark.

(2) An application may be filed by one or more applicants.

### **Section 9 Filing of an Application**

(1) An application may be filed with the Office or, where the law of a Designated State so permits, with the industrial property office of that State.

(2) An application filed with the industrial property office of a Designated State under paragraph 1 shall have the same effect as if it had been filed on the same date at the Office.

**Section 10  
Transmittal of an Application**

Where an application is filed with the Industrial Property Office of a Contracting State, such office shall transmit the application to the Office within the period prescribed in the Regulations.

**Section 11  
Translation and Transliteration**

(1) Where a mark contains a word or words in a language other than English, the Office shall request the name of the language and the translation.

(2) The Translation and transliteration of the mark or certain parts of the mark shall be filed within the period prescribed in the Regulations.

**Section 12  
Appointment of Representatives**

(1) An applicant who does not reside or have a principal place of business in a Contracting State shall appoint a representative.

(2) An applicant having its residence or principal place of business in a Contracting State may be represented in proceedings established by this Protocol and its Regulations.

**Section 13  
Requirements of an Application**

(1) An application shall contain:

- a) a request for the registration of an ARIPO mark;
- (b) information identifying the applicant;
- (c) a representation of the mark;
- (d) list of the goods or services for which registration of the mark is requested;
- (e) a designation of the Contracting States in which registration is being requested; and
- (f) a declaration of actual use or intention to use the ARIPO mark.

(2) The application shall satisfy the requirements prescribed in the Regulations.

(3) The application shall be subject to the payment of the fees prescribed in the Regulations.

(4) An application may not be refused, nor may a registration be invalidated, on the grounds that filing, registration, or renewal has not been effected in the country of origin as defined in Article 6 quinquies A(2) of the Paris Convention.

**Section 14**  
**Designation of Contracting States**

- (1) An application shall designate one or more of the Contracting States, subject to the payment of a fee.
- (2) The designation of a contracting state may be withdrawn at any time, subject to payment of the prescribed fee.

**Section 15**  
**Subsequent Designations**

- (1) Notwithstanding the registration of an ARIPO mark or an application under this Protocol, an applicant shall have the right to designate any other Contracting State subsequent to the ARIPO mark or an application, upon request and subject to payment of the prescribed fee.
- (2) Where the request for subsequent designation referred to in paragraph 1 is made, it shall be deemed to be an application for registration of an ARIPO mark with respect to the Designated State and shall be subject to examination under the national law of the Designated State in accordance with Section 26.
- (3) For the avoidance of doubt, the filing date of an application referred to in paragraph 2 shall be the date on which the application meets the requirements prescribed in Section 17.
- (4) The filing date of the subsequent designations under paragraph 3 shall be published in the ARIPO Journal.
- (5) Notwithstanding the filing date published under this Section, the period of protection for the subsequent designation shall expire on the same date as the registration of the ARIPO mark or pending registration.

**Section 16**  
**Classification of Goods and Services**

- (1) Goods or services for which ARIPO Mark registration is sought shall be classified in accordance with the International Classification of Goods and Services.
- (2) The goods or services for which the protection of the mark is being sought shall be identified by the applicant with sufficient clarity and precision for the determination of the extent of the protection.
- (3) The Office shall check that the indication of class(es) is correct.
- (4) Where the applicant does not give such an indication or the indication is not correct, the Office shall invite the applicant to classify the goods or services under the appropriate class(es) of the latest edition of the International Classification on payment of the prescribed fee.

**Section 17  
Filing Date**

The filing date of an application shall be the date on which the request for registration and the representation of the mark are lodged with the Office or Contracting State in which the application was filed.

**Section 18  
Priority right**

(1) An applicant who has duly applied for registration of a mark in or in respect of any State party to the Paris Convention or the Agreement establishing the World Trade Organization, or his successors in title, shall for the purpose of filing an application for the same mark in respect of goods and/or services which are identical with or contained within those for which the application has been filed, have the right of priority.

(2) The right of priority referred to in paragraph 1 shall subsist only when the application is filed within 6 months from the date of filing of the earlier application.

(3) The priority referred to in paragraph 1 shall be filed together with the application and shall include the date, number, and country of the previous application.

**Section 19  
Exhibition Priority**

(1) Where an applicant has displayed goods and/or services under the mark applied for, at an official or officially recognised international exhibition, may claim a right of priority from that date within the meaning of Section 18 if the application is filed within a period of 6 months from the date of the first display of the goods or services under the mark applied for.

(2) An applicant who wishes to claim priority pursuant to paragraph 1 shall file evidence of the display of goods or services under the mark applied for within the period and manner prescribed in the Regulations.

**Section 20  
Effect of Priority Right**

The right of priority shall have the effect as the date of priority and shall count as the date of filing of the application for the purposes of establishing which rights take precedence.

**Section 21  
Term of Protection**

An ARIPO Mark shall be valid for a period of 10 years from the filing date.

**Section 22  
Renewal of an ARIPO Mark**

(1) The ARIPO Mark may be renewed for further periods of 10 years on payment of the prescribed renewal fee.

(2) The renewal of the ARIPO Mark referred to in paragraph 1 shall be effected on or before the date of expiration of the original registration or of the last renewal of the registration, provided that a grace period of 6 months shall be allowed, in either case, on payment of a surcharge.

(3) The ARIPO Mark, which has not been renewed because of nonpayment of renewal fees within the period stipulated in paragraphs 1 and 2, shall lapse.

### **Section 23**

#### **Rights Conferred by an ARIPO Mark**

(1) The registration of a mark by the Office shall have the same effect in each designated State, with respect to rights conferred by the mark, as if it was filed and registered under the national laws of each such State.

(2) The indication of classes of goods or services provided for shall not bind the Contracting States with regard to the determination of the scope of protection of the mark.

### **Section 24**

#### **Examination on Filing**

(1) The Office shall examine whether the application complies with the requirements referred to in Section 17.

(2) Where the requirements referred to in paragraph 1 have been complied with, the Office shall accord the filing date to the application and notify the applicant and each Designated State.

(3) Where the requirements referred to in paragraph 1 have not been complied with, the Office shall invite the applicant to comply with the requirements within the period prescribed in the Regulation.

(4) Where the applicant does not comply with the invitation referred to in paragraph 4 within the said period, the Office shall refuse the application.

(5) An application that has been accorded a filing date shall be equivalent to a regular national filing in each Designated State, where appropriate, with the priority claimed for the application.

### **Section 25**

#### **Examination as to Formal Requirements**

(1) The Office shall examine whether the formal requirements as prescribed in the Regulations have been complied with.

(2) Where the application complies with the formal requirements, the Office shall notify the applicant and each designated State.

(3) Where the application does not comply with the formal requirements, the Office shall invite the applicant to comply with the requirements within a prescribed period.

(4) Where the applicant does not comply with the invitation referred to in paragraph 3 within the prescribed period, the application shall lapse.

(5) Where the applicant responds to the invitation referred to in paragraph 3, and the application still does not comply with the formal requirements, the Office shall refuse the application.

(6) Where the Office refuses the application referred to in paragraph 5, the applicant may lodge an appeal against the decision of the Office to the Board of Appeal.

### **Section 26**

#### **Substantive Examination by a Designated State**

Upon receipt of the notification referred to in Section 25(2), each Designated State shall conduct a substantive examination in accordance with its national laws within the period prescribed in the Regulations.

### **Section 27**

#### **Communication of Acceptance or Refusal by Designated State**

(1) Before the expiration of the period prescribed in Section 26, each Designated State may make a written communication to the Office that, if a mark is registered by the Office, that registration shall:

- (a) have an effect on its territory;
- (b) only has an effect on its territory if stipulated conditions are met; or
- (c) have no effect on its territory and shall give reasons for refusing the registration.

(2) Where the Designated State issues the communication referred to in paragraph 1, the Office shall transmit the same to the applicant.

(3) Where the Designated State(s) do not make communication referred to in Section 27, the application is considered accepted.

### **Section 28**

#### **Reconsideration by Designated States**

(1) Where the Designated State communicates in accordance with Section 27(1)(c), the applicant may, within a prescribed period, request the Designated State to reconsider its decision by providing a response in relation to the communication.

(2) Where an applicant submits a response referred to in paragraph 1, the Designated State shall respond within the prescribed period. If the Designated State does not respond within the specified period, the application shall be deemed refused by the Designated State.

(3) Where the Designated State issues a conditional acceptance and the applicant complies with the conditions, the Designated State shall respond within the prescribed period; failure to do so, the application shall be deemed accepted.

**Section 29  
Publication of an Application**

The Office shall publish the applications that have been accepted in accordance with Sections 27(1)(a), 27(3), and 28(3).

**Section 30  
Notice of Opposition**

(1) At any time after the publication of the application referred to in Section 29 but before the period prescribed in the Regulations, any interested person may lodge a notice of opposition to the application for registration.

(2) The notice of opposition referred to in paragraph 1 shall be filed with the Office.

(3) The Office shall without delay transmit the notice of opposition referred to in paragraph 1 to the applicant and the Designated State to which the registration is being opposed, subject to the payment of the prescribed fee.

(4) Where the prescribed fee referred to in paragraph 3 is not paid within the prescribed period, the notice of opposition shall be deemed not to be filed.

(5) The opposition procedures shall be in accordance with the national laws of each Designated State concerned.

(6) Upon the conclusion of the opposition proceedings, the Designated State shall communicate to ARIPO the decision and indicate if the mark may be registered or not.

(7) Where examination of the opposition reveals that the mark may not be registered in respect of some or all the goods or services for which the application has been made, the application shall be refused in respect of those goods or services.

(8) Opposition proceedings in any Designated State shall not prejudice the registration of an ARIPO mark in those Designated States in which the registration has not been opposed.

(9) The Office shall process the request referred to in paragraph 1 and notify each Designated State where the application was opposed.

(10) Where parties reach a settlement through Alternative Dispute Resolution concerning an opposition to an application, they may request that the opposition be withdrawn.

(11) Where the request referred to in paragraph 9 is filed after the notice of opposition has been transmitted to the Designated State concerned, the request for withdrawal shall be in accordance with national law.

**Section 31**  
**Registration of an ARIPO Mark**

(1) Where the requirements of this Protocol have been fulfilled, the Office shall register an ARIPO mark subject to the payment of prescribed fees. Where the prescribed fee is not paid within the prescribed period, the application shall lapse.

(2) The registration referred to in paragraph 1 shall be recorded in the Marks Register, and the Office shall issue a certificate of registration to the applicant.

**Section 32**  
**Publication of an ARIPO Mark**

(1) The Office shall publish an ARIPO Mark in the ARIPO Journal as provided for in the Regulations.

(2) Where all the Designated States make the communication referred to in Section 27(1)(a) earlier than the period referred to in Section 26, the applicant may request early publication of such application on payment of the prescribed fee.

**Section 33**  
**Transfer of Rights**

(1) The right of an application or an ARIPO mark may be transferred with respect to one or more of the Designated States, subject to the payment of the fees prescribed in the Regulations.

(2) The request for recordal of transfer of rights of an application or an ARIPO mark shall be made in writing and signed by the parties to the agreement.

(3) An application or an ARIPO mark may be licensed in whole or in part for the whole or part of the territories of the Designated States.

**Section 34**  
**Surrender, Revocation, Renunciation, or Cancellation**

(1) The national laws of each Designated State shall apply to the surrender, revocation, renunciation, or cancellation of a registration.

(2) Where registration has been cancelled, surrendered, revoked, or renounced, the Designated State concerned shall, within the period prescribed in the Regulations, notify the Office.

(3) The Office shall publish the notification referred to in paragraph 2 in the ARIPO Journal and record it in the Register.

**Section 35**  
**Amendments; or Alterations; Limitation**

(1) An application may be amended, altered, or limited in proceedings before the Office in accordance with the Regulations, subject to payment of the prescribed fee.

(2) An amendment, alteration, or limitation requested after compliance with the formal requirements under this Protocol shall be governed by the national law of a Designated State.

**Section 36**  
**Restoration of rights**

(1) Where an applicant is unable to observe a time limit leading to the loss of rights, in spite of all due care required by the circumstances having been taken, the applicant may have the rights restored upon request.

(2) The Office may grant the request, provided that the requirements prescribed in the Regulations are met. No right shall be deemed restored until the request has been granted in writing.

(3) Where the request is granted, the legal consequences of the failure to observe the time limit shall be deemed not to have ensued.

(4) Restoration of rights shall be ruled out in respect of the time limit for requesting restoration of rights. The Regulations may rule out the restoration of other time limits.

**Section 37**  
**Register**

(1) The Office shall maintain a Register, which shall contain particulars specified in the Regulations.

(2) No entry shall be made in the Register before the publication of the application.

**Section 38**  
**Inspection of Register**

The Register shall be open to public inspection.

**Section 39**  
**Conversion of an Application to a National Application**

(1) Where the Office refuses an application under Section 25(5), the industrial property office of a Designated State shall, at the request of an applicant, apply the procedure for the registration of a national mark according to the national laws of that State.

(2) Subject to paragraph 1, the request for conversion shall be submitted to the Office in accordance with the Regulations.

(3) The Office shall transmit the request referred to in paragraph 2 to the specified industrial property offices of the Designated States.

(4) The request referred to in paragraph 2 shall not be deemed to be filed until the conversion fee has been paid.

### **PART 3**

## **BOARD OF APPEAL AND ITS PROCEDURES**

#### **Section 40**

#### **Board of Appeal**

(1) A Board of Appeal (hereinafter referred to as “the Board”) shall be constituted by the Administrative Council.

(2) The Board shall consist of five members who are experienced in intellectual property matters.

(3) Three members of the Board shall form a quorum.

(4) The members of the Board shall be appointed by the Administrative Council of the Organization—

(a) for a period of 2 years, renewable once for another term of 2 years.

(b) from the Member States of the Organization; and

(c) on such other terms and conditions as the Council may determine.

(5) The functions of the Board are to—

(a) consider and decide on any appeal lodged by an applicant against any decision of the Office under this Protocol;

(b) review any final decision of the Office in relation to the implementation of the provisions of this Protocol;

(c) decide on any other matter related to or incidental to the exercise of the Board’s powers.

(6) The Administrative Council shall make and adopt the Rules of Procedure of the Board.

#### **Section 41**

#### **Persons Entitled to Appeal**

A person adversely affected by any final decision of the Office made under this Protocol may appeal against such a decision.

**Section 42**  
**Decisions Subject to Appeal and Effect on an Appeal**

- (1) An appeal shall lie from any final decision of the Office to the Board of Appeal.
- (2) Where an appeal is made under paragraph 1, all subsequent actions on the application shall stay until the Board determines the appeal.

**Section 43**  
**Filing an Appeal**

- (1) Notice of appeal shall be filed within the period prescribed in the Regulations.
- (2) The notice of appeal shall not be deemed to have been filed until the fees for appeal have been paid.

**Section 44**  
**Decisions of the Board of Appeal**

The Board of Appeal shall hear the appeal in accordance with the Rules of Procedure of the Board of Appeal, and its decision shall be final.

**PART 4**  
**FINAL PROVISIONS**

**Section 45**  
**Regulations**

- (1) The Administrative Council of ARIPO shall make Regulations for the implementation of this Protocol and may amend them, as necessary.
- (2) The Regulations shall in particular relate to -
  - (a) any administrative requirements, matters of procedure, or any details necessary for the implementation of this Protocol and any relevant international treaties;
  - (b) fees to be charged by the Office and the details of the distribution of part of those fees among the Contracting States; and
  - (c) forms to be used in registration procedures.

**Section 46**  
**Entry into Force**

- (1) A State which is a member of the African Regional Intellectual Property Organization or any State to which membership of the African Regional Intellectual Property Organization is open in accordance with Article IV(1) of the Agreement on the Creation of the African Regional Intellectual Property Organization may become a party to this Protocol by:-

- (a) signature followed by the deposit of an instrument of ratification; or

- (b) deposit of an instrument of accession.
- (2) Instruments of ratification or accession under this Protocol shall be deposited with the Director General.
- (3) This Protocol shall come into force 3 months after 3 States have deposited their instruments of ratification or accession.
- (4) Any State which is not party to this Protocol upon its entry into force referred to in paragraph 3 shall become bound by this Protocol 3 months after the date on which such State deposits its instrument of ratification or accession.
- (5) Ratification or accession to this Protocol by a State which is not a party to the Agreement on the Creation of the African Regional Intellectual Property Organization shall have the effect that said State shall become a party to said agreement on the date on which it deposits its instrument of ratification or accession to this Protocol.

**Section 47**  
**Denunciation of the Protocol**

- (1) A Contracting State may denounce this Protocol by notification addressed to the Director General.
- (2) The denunciation shall take effect 6 months after receipt of the said notification by the Director General.
- (3) The denunciation shall not affect any mark application filed with the Office prior to the expiration of the said 6 months period or registration of a mark effected upon such an application.

**Section 48**  
**Signature of the Protocol**

- (1) The Protocol shall be signed in a single copy and shall be deposited with the Director General.
- (2) The Director General shall transmit certified copies of this Protocol to the Contracting States, other member States of ARIPO, and such other States or bodies as the Administrative Council may direct.

**Section 49**  
**Amendment of the Protocol**

- (1) This Protocol may be amended at the instance of any Contracting State or the Administrative Council or by the Director General during the sessions of the Council of Ministers of ARIPO.
- (2) Adoption of the amendments of any provision of this Protocol shall require two-thirds of the votes of all the Contracting States.
- (3) The Council of Ministers shall determine the date of entry into force of the amendments.



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

**REGULATIONS FOR IMPLEMENTING THE  
BANJUL PROTOCOL WITHIN THE FRAMEWORK OF  
THE AFRICAN REGIONAL INTELLECTUAL PROPERTY  
ORGANIZATION (ARIPO)**

(Adopted by the Administrative Council at Kariba, Zimbabwe, on November 24, 1995 and amended on November 28, 1997, May 26, 1998, November 26, 1999, November 21, 2003, November 25, 2013, November 17, 2015, November 22, 2017, November 23, 2018 and November 20, 2019, August 26, 2021, December 8, 2021, November 25, 2022 and November 18, 2025).

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## **CHAPTER 1 GENERAL PROVISIONS**

### **Rule 1 Interpretation**

For the purposes of these Regulations,

“Administrative Instructions” means the Administrative Instructions established by the Director General of the Office in accordance with Rule 57.

### **Rule 2 Language of Proceedings**

The official language of proceedings before the Office shall be English.

### **Rule 3 Requirements for Filing Documents**

(1) In official actions before the Office, documents may be filed by electronic communication, hand delivery, or by postal services.

(2) Where the Protocol provides that a document shall be signed, the signature may be electronic, handwritten, or by other appropriate means permitted by the Office.

### **Rule 4 Filing of Translations**

(1) Where the applications and any other document forming part of the application are filed in a language other than English, the applicant shall file a translation into English within 2 months from the date of submission.

(2) Where a translation referred to in paragraph 1 is not filed within the prescribed period, the application shall be deemed withdrawn.

(3) Where a document, other than the documents making up the application, is not filed in English, or where a required translation is not filed within 2 months, the document shall be deemed not to have been filed.

(4) Paragraphs 2 and 3 shall not apply to a priority document and the certificate of exhibition.

### **Rule 5 Filing of Transliteration**

(1) Where the application requires a transliteration of the mark or certain parts of the mark, the applicant shall file the transliteration within 2 months from the filing date.

(2) Where a transliteration referred to in paragraph 1 is not filed within the prescribed period under paragraph 1, the application shall be deemed withdrawn.

**CHAPTER 2**  
**REGISTRATION OF ASSIGNMENTS, LICENCES AND**  
**OTHER RIGHTS**

**Rule 6**  
**Registration of Assignments, Licences, and other Rights**

- (1) The Office shall register assignments, licences, and other rights pertaining to an application or an ARIPO mark at the request of an interested party and upon production of evidence that the transfer has taken place.
- (2) The industrial property office of the Designated States, of which the national laws provide for the registration of assignments, licences, and other rights pertaining to an ARIPO mark, shall, within 2 months of registering such rights, provide the Office with the particulars of such registration.
- (3) The registration referred to in paragraph 1 shall be subject to payment of the prescribed fee.
- (4) The Office may reject the request referred to in paragraph 1 if it does not comply with the prescribed requirements.
- (5) The registration referred to in paragraph 1 shall be cancelled upon request by an interested party by providing evidence establishing that the licence or other right has lapsed or by a declaration by which the licensee or proprietor of the other right consents to the cancellation of the registration, and subject to payment of the prescribed fee.
- (6) Where the requirements for cancellation referred to in paragraph 5 are not fulfilled, the request may be rejected.
- (7) Where the transfer of ownership results from a contract, the requester shall indicate that fact and provide evidence of the contract.
- (8) The request referred to in paragraph 7 shall be accompanied by the prescribed fee.

**CHAPTER 3  
FILING OF AN APPLICATION**

**Rule 7  
Filing of an Application**

- (1) Where the application is filed with the Contracting State, the State shall:
- (a) verify that the application fulfils the requirements of Section 13(1)(a) and (b);
  - (b) verify that the undertaking with respect to fees has been submitted or that the fees have been paid and a receipt issued;
  - (c) mark the documents making up the application with the actual date of receipt, the receiving office number and date stamp receipt of the documents; and
  - (d) issue without delay an acknowledgement of receipt of the application, which include at least the information referred to in paragraph 1(c), to the applicant or representative.
- (2) The receiving office number referred to in paragraph 1(c) shall consist of the two-letter country code for the Receiving Office, set out in WIPO Standard ST.3, a slant, the letters AP, a slant, the letter M, a slant, and the number allotted internally by the Receiving Office.
- (3) The application and any accompanying documents to be filed with the Receiving Office shall be filed in two copies (except where the application is filed electronically), and those to be filed with the Office shall be filed in one copy; however, the Office may require the applicant to supply additional copies.

**Rule 8  
Electronic Filing of Marks**

- (1) An application may be filed in electronic form or by electronic means, provided that the Office or any Contracting States shall not reject the filing of applications on paper.
- (2) Documents making up an application in electronic form shall be prepared using the ARIPO forms available on the ARIPO Online Filing platform and in the prescribed format in accordance with the Administrative Instructions
- (3) No Contracting State shall be obliged to receive or process an application filed in electronic form or by electronic means unless the Contracting State has notified the Office that it is prepared to do so in compliance with the applicable provisions of the Protocol and these regulations.
- (4) No Contracting State which has given the Office the notification under paragraph (3) shall refuse to process an application filed in electronic form or by electronic means which complies with applicable requirements under the Protocol and these regulations.
- (5) Paragraphs 1 to 4 above shall apply mutatis mutandis to other corresponding docu-

ments relating to all applications.

**Rule 9**  
**Representation of the Mark**

(1) Where the mark consists of letters, words, numerals or punctuation signs and no special graphic features are claimed, the said elements may be reproduced by typing in the appropriate space in the form.

(2) Where the mark is two-dimensional, a representation of the mark shall be filed.

(3) Where the mark is three-dimensional, the applicant shall make a statement to that effect and attach to the application a reproduction of the mark consisting of a two-dimensional graphic or photographic reproduction either of a single view of the mark or several different views of the mark.

(4) The representation of the mark shall be clear, of a durable nature, and be capable of direct reproduction by photography, electrostatic processes, photo effect, micro-filming, and other electronic means of reproduction.

(5) Where colour is claimed to be a distinctive feature of the mark, the applicant shall make a statement to that effect as well as the name or names of the colour or colours claimed and an indication, in respect of each colour, of the principal parts of the mark which are in that colour.

**Rule 10**  
**Transmittal of an Application**

(1) Where an application is filed with the industrial property office of a Contracting State and complies with Rule 7(1)(a) and (b), the State shall, within 14 days, transmit all documents making up the application to the Office.

(2) The industrial property office shall notify the applicant of the transmittal of the application.

(3) Where the industrial property office finds that the application does not comply with Rules 7(1)(a) and (b), it shall invite the applicant to comply.

(4) Where the applicant does not comply with the invitation referred to in paragraph 3, but requests the industrial property office nonetheless to transmit all documents making up the application to the Office, the industrial property office shall transmit the documents.

**Rule 11**  
**Application Fee, Designation Fees, Extra Class and Words Fees**

(1) The application for registration of a mark shall be subject to payment of the application fee as prescribed in the Schedule of Fees.

(2) The designation of a Contracting State is subject to the payment of the designation fee as prescribed in the Schedule of Fees.

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(3) Where the mark application contains more than one class, each extra class is subject to payment of fees as prescribed in the Schedule of Fees.

(4) Where the specification of goods and/or services contains more than 50 words in each class, any additional word(s) after the 50<sup>th</sup> word shall be subject to the payment of an extra word fee as prescribed in the Schedule of Fees.

(5) Where the fees referred to in paragraphs 1 to 4 are not paid within 21 days from the date on which the application is filed with the Office or the industrial property office of the Contracting State, the application shall be deemed withdrawn.

### **Rule 12 Filing Date**

(1) The Office shall accord as the filing date the date on which the application was received by the Office, or the industrial property office of the Contracting State, and complies with the requirements of Section 17.

(2) If on the date on which the application was received by the Office or the industrial property office of the Contracting State, it did not comply with the requirements referred to in paragraph 1, the Office shall accord as the filing date the date on which the application complies with the requirements.

(3) The Office shall notify the applicant and the industrial property office of each designated State of the filing date of the application.

(4) Where the application does not comply with the requirements referred to in paragraph 1, the Office shall invite the applicant to comply with the requirements within 14 days.

(5) Where the applicant fails to comply with the invitation referred to in paragraph 4, the application shall be deemed not filed.

### **Rule 13 Classification**

(1) The Office shall use the Nice Classification for purposes of the registration of an ARIPO mark.

(2) Where goods or services belonging to several classes of the Nice Classification have been included in an application, the application shall result in one registration.

(3) Notwithstanding paragraph 2, a Designated State may declare that, where goods or services belonging to several classes of the Nice Classification have been included in one application, the application shall result in two or more registrations, provided that each registration shall bear a reference to all the other registrations resulting from the application.

## **CHAPTER 4 PRIORITY**

### **Rule 14 Declaration of Priority**

- (1) The declaration of priority referred to in Section 18, shall indicate-
- (a) the date of the earlier applications(s);
  - (b) the application number of the earlier application(s); and
  - (c) the name of the State in which the earlier application(s) was filed or, where the earlier application(s) is a regional or an international application, the name of the State(s) for which it was filed.
- (2) The declaration of priority may preferably be made on filing the application or may still be made within 6 months from the earliest priority date claimed.

### **Rule 15 Priority Documents**

- (1) Where the priority declaration is made on filing, the applicant(s) shall, within 2 months from the filing of the application containing the declaration, furnish a copy of the earlier application(s), certified as a correct record by the office with which it was filed.
- (2) Where the earlier application is in a language other than English, the applicant shall, within 2 months from the filing of the application containing the declaration, furnish an English translation.
- (3) If the translation of a previous application is not filed in due time, the right of priority shall be disregarded, and the applicant shall be informed accordingly.

### **Rule 16 Issuing Priority Documents by the Office**

Upon request, the Office shall issue a certified copy of the application subject to the conditions determined by the Office, including the form of the priority document and payment of the applicable fee.

### **Rule 17 Certificate of Exhibition**

The applicant shall file the certificate referred to in Section 19(3) within 2 months of filing the application, which-

- (a) is issued by the authority responsible for the exhibition;
- (b) state that the mark was displayed at the exhibition;
- (c) state the date of displaying the mark at the exhibition; and

- (d) is accompanied by an identification of the mark as duly authenticated by the authority responsible for exhibition.

## **CHAPTER 5 EXAMINATION OF AN APPLICATION**

### **Rule 18 Examination on Filing**

- (1) Upon receiving the application, the Office shall examine it for compliance with the requirements of Section 13(1)(a) and (b).
- (2) Where the application does not comply with the requirements referred to in paragraph 1, the Office shall invite the applicant to comply with the said requirements within 1 month from the date of notification.
- (3) Where the applicant fails to comply with the invitation referred to in paragraph 2 within the specified period, the application shall be deemed withdrawn.
- (4) Where the application complies with the requirements referred to in paragraph 1, the Office shall accord a filing date.
- (5) The Office shall notify the applicant and the industrial property office of each Designated State of the filing date of the application.

### **Rule 19 Examination as to Formal Requirements**

- (1) The Office shall examine whether the requirements of Sections 12 to 14 and 16 to 19, where applicable, have been complied with.
- (2) Where the application does not comply with the requirements referred to in paragraph 1, the Office shall invite the applicant to comply within 1 month.
- (3) Where the applicant does not comply with the invitation referred to in paragraph 2, the application shall lapse.
- (4) Where the application complies with the requirements referred to in paragraph 1, the Office shall notify the applicant, and the industrial property office of each designated State.

### **Rule 20 Filing and Transmission of the Request for Conversion**

- (1) Where the Office refuses an application, the applicant may request a conversion in accordance with Section 39 within 3 months from the date of refusal.
- (2) The request for conversion of the application to a national application shall be

transmitted together with copies of the application and all relevant documents to the industrial property office of the Designated State.

**Rule 21**  
**Examination as to Substance by a Designated State**

- (1) For the purposes of examination under Section 26, each Designated State may, within 6 months from the date of the notification referred to in Section 25(2), make a written communication of the outcome of the examination.
- (2) Where the Office received the communication referred to in paragraph 1, it shall notify the applicant together with a copy of the communication upon which the decision is based.
- (3) Where the Designated State makes the communication referred to in Section 27(1)(c), the applicant may, within 2 months from the date of the communication, request the Designated State to reconsider its decision.
- (4) Where the applicant makes the request referred to in paragraph 3, the Designated State shall respond within 2 months.
- (5) Where the designated state does not respond to the request referred to in paragraph 4, the application shall be deemed refused by the Designated State.
- (6) Where the Designated State issues a conditional acceptance and the applicant complies with the conditions, the Designated State shall respond within 2 months from the date of notification.

**CHAPTER 6**  
**PUBLICATION OF AN APPLICATION; NOTICE OF**  
**OPPOSITION**

**Rule 22**  
**Content and Form of the Publication of an Application**

- (1) The publication of an application referred to in Section 29 shall contain the following information:
  - (a) the application number;
  - (b) the filing date of the application;
  - (c) the class(es), and the specification of goods and/or services, to which the mark relates;
  - (d) the name of the applicant;
  - (e) Where the applicant is represented, the representative's name;

- (f) designated State(s); and
- (g) a reproduction of the mark.

**Rule 23**  
**Notice of Opposition**

- (1) Following publication of the application, any interested person may, within 3 months from the date of publication in the ARIPO Marks Journal lodge a notice of opposition to the application for registration, subject to payment of the fee prescribed in the Schedule of Fees.
- (2) The notice of opposition referred to in paragraph 1 shall be prepared and dealt with in accordance with the national laws of each designated State concerned.
- (3) The notice of opposition shall be lodged directly with the Office.
- (4) Subject to payment of the prescribed fee, the Office shall, without delay, transmit the notice of opposition to the designated State(s) concerned and copy the applicant (s).
- (5) The designated State(s) shall pronounce its decision on the notice of opposition, and such decision shall be made available to the Office. The Office shall also, without delay, transmit the decision to the opponent and applicant.
- (6) Each designated State concerned shall notify the Office where an appeal has been lodged and of its final decision without delay. The Office shall also, without delay, transmit the decision to the opponent and applicant.
- (7) The Office shall record the decisions referred to in paragraphs 4 and 5 in the Register and publish them in the ARIPO Journal.
- (8) Extension of time limit shall not be granted for filing notice of opposition to the Office.

**CHAPTER 7**  
**REGISTRATION OF ARIPO MARK**

**Rule 24**  
**Registration of ARIPO Mark**

- (1) Upon the expiry of the period referred to in Rule 23(1), the Office shall notify the applicant and invite the applicant to make payment of the registration fee within 3 months from the date of notification.
- (2) Subject to the payment of the fee referred to in paragraph 1, the Office shall-
  - (a) register the mark;
  - (b) publish in the ARIPO Journal a reference to the registration;
  - (c) record the registration in the Register;

- (d) issue to the applicant a certificate of registration of the mark; and
- (e) transmit a copy of the certificate to each Designated State for which the mark is registered.

**Rule 25**  
**Publication of an ARIPO Mark**

(1) The publication of an ARIPO mark in the ARIPO Journal shall include the following-

- (a) the application number;
- (b) the date and registration number;
- (c) Filing date;
- (d) International Classification;
- (e) the name of the applicant;
- (f) the name of the representative, where applicable;
- (g) Designated State(s); and
- (h) representation of the mark.

(2) Every alteration, renewal of a registration, registration of licences, assignments, and other similar rights pertaining to a mark shall be published in the ARIPO Journal.

**Rule 26**  
**Certificate of Registration of an ARIPO Mark**

(1) The applicant shall be issued with a Certificate of Registration, which shall contain -

- (a) the reproduction of the mark;
- (b) the name and address of the Applicant of the mark;
- (c) International Class;
- (d) the number of the registration;
- (e) the filing date;
- (f) Priority data, if any;
- (g) the Designated States for which the mark is registered;
- (h) specification of goods or services for the mark;

- (i) the effective date of the registration of the mark;
- (j) conditions of registration, where applicable; and
- (k) statement of validity.

## **CHAPTER 8 RENEWAL FEES**

### **Rule 27 Payment of Renewal Fees**

- (1) The renewal fee shall be payable on or before each 10th anniversary of the date of filing of the application and shall be paid in advance to the Office.
- (2) Where the renewal fee and accrued surcharges remain unpaid, no Office action shall be taken on the registration.
- (3) The amount of the renewal fee and the surcharge on the renewal fee shall be payable as prescribed in the Schedule of Fees.
- (4) Where a renewal fee is not paid in accordance with this Rule, the registration shall lapse.
- (5) The Office shall publish a notification of lapsed mark in the ARIPO Journal.
- (6) Where the applicant's rights are restored under Section 36, a renewal fee which-
  - (a) would have fallen due under paragraph 1 in the period starting on the date on which the loss of rights occurred, up to and including the date of the notification of the decision to restore the rights, shall be due on that later date; and
  - (b) on the date on which the loss of rights has occurred, was already due but the period provided for in paragraph 2 has not yet expired, may still be paid within 6 months from the date of the notification of the decision to restore the rights, provided that the surcharge fee under paragraph 2 is also paid within that period.

## **CHAPTER 9 AMENDMENTS AND CORRECTIONS**

### **Rule 28 Alteration of Name, Address, or Correction of Errors**

- (1) Subject to payment of the prescribed fee, the Applicant may request for-
  - (a) alteration of name or address;

- (b) correction of clerical error(s);
- (c) reduction of class or limitation of specification of goods and/or services; and/or
- (d) addition of class(es), or specification of goods and/or services;

(2) The request referred to in paragraph 1 shall be filed before the issuance of the notification of compliance with formal requirements referred to in Section 25(2).

(3) The correction referred to in paragraph 1(b) should be obvious in the sense that it is immediately evident that nothing else would have been intended than what is offered as the correction.

(4) The request referred to in paragraph 1 shall not be considered made until the prescribed fee has been paid.

### **Rule 29**

#### **Amendment of the Reproduction of the Mark**

(1) The request for amendment concerning the reproduction of the mark shall only be considered before the issuance of the notification of compliance with formal requirements referred to in Section 25(2) and subject to payment of the prescribed fee.

(2) Where the amendment concerns the reproduction of the mark request after issuance of the notification of compliance with formal requirements referred to in Section 25(2), such request shall not be considered. The applicant may file the amendment as a new application.

### **Rule 30**

#### **Cancellation, Surrender, Revocation, or Renunciation**

(1) Request for cancellation, surrender, revocation, or renunciation of the registration, in respect of some of the countries concerned, shall be dealt in accordance with the national laws of each Designated State.

(2) Cancellation, surrender, revocation, or renunciation referred to in paragraph 1 shall be communicated to the Office for record.

### **Rule 31**

#### **Reduction of Designated States**

The applicant may request a reduction of Designated State(s) at any time before registration of the mark, subject to the payment of the prescribed fee.

## **CHAPTER 10 COMMUNICATION**

### **Rule 32 Communications**

(1) Communications between the Office, the industrial property offices of Contracting States, and the applicant on matters relating to the Protocol and these Regulations shall be effected by registered mail or any secure electronic means of communication.

(2) Communications between the 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.

(3) At any stage of any proceedings, the Office may direct that such documents, information, or evidence as it may require be furnished within such period as it may fix.

### **Rule 33 Transmittal of Communication by the Office**

(1) Communication may be transmitted by electronic means as determined by the Office.

(2) Any document in non-electronic format shall only be made available at the request of the applicant, subject to payment of the fee prescribed in the Schedule of Fees. The applicant shall arrange the collection of the document, preferably by courier.

(3) Where the applicant does not arrange for the collection of the documents referred to in paragraph 2, the Office shall send them by ordinary post to the given address.

(3) Where the address of the addressee cannot be established, notification shall be effected by public notice. The Office shall determine how the public notice is to be given and the period during which the public shall be deemed to have been notified.

## **CHAPTER 11 TIME LIMITS; RESTORATION OF RIGHTS; FURTHER PROCESSING**

### **Rule 34 Time Limit**

1) Time limit shall be in terms of full years, months, weeks, or days, and it shall start counting on the day following the day on which the relevant Office action occurred, the action being either a procedural step or the expiry of another time limit.

(2) Where an applicant fails to honour a time limit specified in the Protocol, Regulations, or Administrative Instructions and where such applicant fails to request an extension of time to honour such time limit, the application or registration shall lapse irrespective of the validity of the application or registration.

**Rule 35  
Extension of Time Limit**

- (1) The time limit prescribed by the Protocol and these Regulations for doing any act or taking any proceeding thereunder may be extended by the Office upon request by the applicant.
- (2) The request referred to in paragraph 1 shall be considered where the prescribed time limit has not yet expired.
- (3) Restoration of rights shall be ruled out in respect of the time limit for requesting restoration of rights.
- (4) Under an exceptional occurrence such as a pandemic, a natural disaster, war, civil disorder, or a general breakdown in communication, the Office may, upon request by the applicant, extend a time limit after the expiration of the time limit.
- (5) Where more than one requests for extension of time limits are requested in one request Form, each request shall be subject to the payment of the prescribed fee.
- (6) An extension of the time limit shall not exceed 3 months.
- (7) Where the time limit expires on a day on which the Office is not open for business, the time limit shall be extended to the next working day.

**Rule 36  
Restoration of Rights; Further Processing**

- (1) Any request for restoration of rights under Section 36 shall be filed in writing within 2 months of the removal of the cause of non-compliance with the time limit, but at the latest within 6 months of the expiry of the time limit that was not complied with.
- (2) The request for restoration of rights shall not be deemed to have been filed until the prescribed fee has been paid.
- (3) The request shall state the grounds on which it is based and shall set out the facts on which it relies. The omitted act shall be completed within the relevant period for filing the request according to paragraph 1.
- (4) Further processing of the application shall commence once a request for restoration of rights has been accepted.

**CHAPTER 12**  
**INFORMATION TO THE PUBLIC**

**Rule 37**  
**Entries in the ARIPO Mark Register**

(1) Where the Office registers a mark, the following particulars shall be recorded in the Register in respect of each registered mark:

- (a) the application number;
- (b) the date and registration number;
- (c) Filing date;
- (d) International Classification;
- (e) the name of applicant;
- (f) the name of the representative, where applicable;
- (g) Designated State(s);
- (h) representation of the mark.
- (i) the date on which the application is refused, withdrawn or deemed to be withdrawn;
- (j) the date of lapse of the mark in designated State(s);
- (k) the dates of stay and resumption of proceedings.
- (l) the date of restoration of rights;
- (m) the date and purport of the decision on the request for limitation of the mark;
- (n) the date and purport of the decision of the Board of Appeal; and
- (o) any change with respect to the above.

(2) Every alteration, renewal of a registration, registration of licences, assignments, and other rights pertaining to a mark shall be recorded in the Register.

**Rule 38**  
**Inspection of Files**

(1) Inspection of the files of an application and an ARIPO mark shall either be of the original document, copies thereof, or technical storage means.

(2) The Office shall determine all file inspection arrangements, including the circumstances in which an administrative fee is payable.

**Rule 39**  
**Communication of Information Contained in the Files**

Subject to the restrictions under Section 38(2), the Office may, upon request, communicate information concerning any file relating to an application or an ARIPO mark.

**Rule 40**  
**Constitution, Maintenance, and Preservation of Files**

(1) The Office shall constitute, maintain, and preserve files relating to all applications and ARIPO marks in electronic form.

(2) Documents incorporated in an electronic file shall be considered to be originals.

(3) The initial version of documents filed on paper, or a data carrier, may only be destroyed after at least five years from the date the document was incorporated in the electronic file.

(4) Any files shall be preserved for at least seven years from the end of the year in which-

(a) the application is refused, withdrawn, or lapses; or

(b) the mark lapses in the last of the Designated States.

**CHAPTER 13**  
**REPRESENTATION**

**Rule 41**  
**Appointment of a Representative**

(1) Where a request for registration of an ARIPO mark contains more than one applicant and does not indicate a common representative, the first applicant named in the request shall be deemed to be the common representative.

(2) Where one of the applicants is obliged to appoint a representative, the appointed representative shall be deemed the common representative.

(3) Where the application is transferred to more than one person, and such persons have not appointed a common representative, paragraphs 1 and 2 shall apply mutatis mutandis.

(4) Where the Office failed to identify a common representative, it shall within 2 months, invite the applicant to appoint a representative.

(5) Where the invitation referred to under paragraph 4 is not complied with, the application shall be deemed withdrawn.

(6) Where the applicant changes the appointed representative or appoints another representative apart from the representative on record to conduct a specific action with

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the Office, such representative shall be allowed only upon submission of a power of attorney and subject to payment of the prescribed fee.

(7) Where a representative has been appointed, notifications shall be addressed to that representative.

### **Rule 42 Authorizations**

(1) The authorization of the applicant's representative shall be evidenced by a power of attorney issued and signed by the applicant, which shall be filed within 2 months of filing the application.

(2) Where a representative fails to submit the authorization referred to in paragraph 1, the Office shall invite the applicant to comply within 1 month; failure to do so shall result in the application being deemed withdrawn.

(3) The authorization may cover one or more applications or ARIPO marks.

(4) Where the authorization referred to in paragraph 3 covers prior application(s), it shall be subject to the payment of the prescribed fee for each ARIPO Mark or application.

## **CHAPTER 14 PAYMENT OF FEES**

### **Rule 43 Fees Provided for in the Protocol and the Regulations**

The fees to be paid to the Office under Section 4, in respect of any matters arising under the Protocol and these Regulations, shall be those specified in the Schedule of Fees, annexed to these Regulations and forming part of the Regulations.

### **Rule 44 The Due Date for Fees**

Fees in respect of which the due date is not specified in the Protocol and these Regulations shall be due on the date of receipt of the request for the service incurring the fee concerned.

### **Rule 45 Payment of Fees**

(1) The fees due to the Office shall be paid in U.S. dollars directly to the Office.

(2) Notwithstanding paragraph 1, where the applicant is a national of the Contracting State in which the application is filed, the industrial property office concerned may—

(a) accept payment of the fees in local currency equivalent, at the prevailing official rate of exchange, to the prescribed fees; and

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- (b) request the Office to debit its account in ARIPO with the amount of such fees.
- (3) The Office shall be bound by the decision taken by the industrial property office of a Contracting State concerning the applicability of this paragraph 2 with regard to the nationality of the applicant.
- (4) Notwithstanding paragraph 1, where the applicant or representative has a Funds Held Account with the Office, the applicant may make a payment using the funds held.
- (5) The Office shall issue a receipt for payment of any prescribed fee.

### **Rule 46 Distribution of the Fees**

- (1) The distribution of fees between the Office and the Designated States referred to in Section 5 shall be 50% of the application fee, designation fee, and renewal fee.
- (2) Any Contracting State may declare that, in connection with each application filed under the Protocol and designate said State, and in connection with the renewal of any such registration, it wants to receive, instead of a share in the fee charged by the ARIPO Office, a fee (hereinafter referred to as “the individual fee”) whose amount shall be indicated in a declaration, and can be changed in further declarations.
- (3) A designated State that makes or has made a declaration referred to in paragraph 2 shall notify the Office of the individual fee to be charged.
- (4) The individual fee received by the Contracting State may not be higher than the equivalent of the amount which the said Contracting State’s office would be entitled to in a national application.
- (5) Fees due to Designated States shall be held in their favour or, on request, transmitted to them by the Office.

### **Rule 47 Particulars Concerning Payments**

- (1) Every payment shall indicate, where applicable, the following particulars-
  - (a) application number, reference number or title;
  - (b) representative or applicant name;
  - (c) name of fee;
  - (d) the specific amount paid; and
  - (e) payment method.
- (2) Where the payment is to be made through bank transfer, the applicant shall provide proof of payment with the particulars referred to in paragraph 1.

(3) Where the payment is to be made through funds held, the applicant shall provide the instruction to the Office for payment with the particulars referred to in paragraph 1.

(4) Where the purpose of the payment cannot immediately be established by the Office, the payment shall be considered to be made on the date on which the purpose of the payment is established.

**Rule 48**  
**The Date of Payment**

(1) Where the payment is made through a bank, the date on which any payment shall be considered to have been made to the Office shall be the date on which the paid amount is reflected in a bank account held by the Office.

(2) Where payment is made using funds held, the date on which such payment shall be considered to have been made to the Office shall be the date on which the instruction was received.

(3) Where payment is made through a Contracting State to the Office, the date of such payment shall be deemed to be the date the Office received the instruction.

**Rule 49**  
**Insufficiency of the Amount Paid**

(1) A payment shall be deemed to have been made only if the full amount of the fee has been paid before the due date.

(2) Where the fee is not paid in full, the Office shall issue a receipt notifying the applicant about the insufficiency.

(3) Where the outstanding fees referred to in paragraph 1 are not paid on the due date, the surcharge prescribed under the Schedule of Fees shall apply.

**CHAPTER 15**  
**APPEAL AND APPEAL PROCEDURE**

**Rule 50**  
**Notice of Appeal and Statement of Grounds**

(1) An applicant who intends to appeal the decision of the Office shall file the notice of appeal to the Secretary of the Board of Appeal within 3 months from the date of the notification of the decision of the Office. The appeal shall be subject to the payment of the prescribed fee.

(2) The notice of appeal shall contain-

(a) the name and the address of the appellant;

(b) the decision impugned; and

(c) the grounds of appeal.

(3) The appellant shall send a copy of the notice of appeal to the Director General.

**Rule 51**  
**Grounds of Appeal**

(1) The grounds of appeal shall be set out concisely and under distinct heads the grounds upon which the appellant intends to rely at the hearing of the appeal.

(2) An appeal which does not disclose clear and reasonable ground(s) shall not be permitted.

(3) The appellant shall not rely on any ground of appeal not stated in the notice of appeal.

**Rule 52**  
**Application for Extension of Time to Appeal**

(1) The applicant may request an extension of time to appeal before the expiry of the time limit referred to in Rule 50(1), subject to the payment of the prescribed fee.

(2) The application for an extension of time to appeal shall be supported by an affidavit setting out the reasons for the application.

(3) The application, accompanied by supporting documents, shall be filed with the Secretary of the Board, and a copy shall be served on the Director General.

**Rule 53**  
**Evidence**

(1) The evidence used on appeal shall be the same as that used before the Office, and no fresh evidence shall be given except with the leave of the Board.

(2) The Board may subpoena an expert to give evidence at any stage of the appeal.

**Rule 54**  
**Withdrawal of Appeal**

(1) An appellant may, at any time before the hearing, withdraw an appeal by giving notice to the Secretary of the Board.

(2) Upon such notice being given, the appeal shall be deemed to have been withdrawn.

**Rule 55**  
**Frivolous or Vexatious Appeals**

Where it appears to the Board that a notice of appeal discloses grounds of appeal which are frivolous or vexatious and that the appeal can be determined without a hearing, the Board may, without hearing, dismiss the appeal.

**Rule 56**  
**Representation Before the Board of Appeal**

(1) An appellant may be represented before the Board of Appeal by an attorney, representative or legal practitioner who has the right to represent applicants before the industrial property office of any Contracting State of the Protocol.

(2) Where the appellant's ordinary residence or principal place of business is not situated in any Contracting State of the Protocol, the applicant shall be represented.

**CHAPTER 16**  
**FINAL PROVISIONS**

**Rule 57**  
**Administrative Instruction**

The Director General of the Office may establish Administrative Instructions that provide details and guidance on the application of these Regulations, which shall not conflict with the provisions of the Protocol and these Regulations.

**Rule 58**  
**Amendment to the Regulation**

(1) These Regulations may be amended, at the instance of the Director General of ARIPO or any member of the Contracting State, during the Administrative Council sessions.

(2) The adoption of the amendments to these Regulations shall be by a simple majority of the Contracting States.

(3) The Administrative Council shall determine the date of entry into force of the amendments.

**SCHEDULE I:**

**FEES**

**Part A: Fee Structure Declarations by Contracting States**

This Part will be amended as and when a Contracting State makes a Declaration to reflect the individual fee structure as declared by that State.



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

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**Banjul Protocol Declaration of Individual Fee Structure by  
Contracting States**

**Individual Fee under Rule 46(2)**

The Republic/Kingdom of .....

1. The Government of the Republic/Kingdom of ..... has made the declaration referred to in new Rule 46(2) of the Regulations under the Banjul Protocol whereby it wants to receive an individual fee when the Republic/Kingdom of ..... is designated in an ARIPO mark application or in respect of the renewal of an ARIPO mark designating the Republic/Kingdom of..... (Instead of the 50% share of fees between the ARIPO Office and the Designated States as per Rule 46(1)).
2. In accordance with Rule 46(3) of the Regulations under the Banjul Protocol, the Office has, after consultation with the Republic/Kingdom of ....., established the following amounts in United States dollars of the said individual fee:

Items		Amount (in US\$)
Application or Subsequent Designation	for one class of goods or services	
	for each additional class	
Renewal	for one class of goods or services	
	for each additional class	

3. The declaration concerning the individual fee made by the Republic/Kingdom of .....will enter into force on: .....

Official Stamp

Date:

**Part B**  
**ARIPO Fees Structure**

The ARIPO Fees are as indicated in the table below.

1. Application fee	
(a) Paper filing	200
(b) Electronic filing	160
2. Designation fee	
For one mark	
(a) in one class per D/S	50
(b) in every additional class per D/S	20
3. Extra word fee for the goods listing of each class	
on any application after the 50th word	10
4. Subsequent designation:	
(a) Request for subsequent designation fee per D/S	100
(b) For one mark	
(i) in one class per D/S	50
(ii) in every additional class per D/S	20
5. Registration fee:	
(a) in one class per D/S	150
(b) in every additional class per D/S	50
6. Renewal of registration of a mark:	
(a) in one class per D/S	200
(b) in every additional class per D/S	100
7. Surcharge for late renewal:	
(a) in one class	20% surcharge
(b) in every additional class	20% surcharge
8. Request to remove a mark from the register for non-use	
or to rectify a register entry	20
9. Change of representative	100
10. Request for alteration of name, address, or correction of error(s)	
of application or registered mark per class per D/S	50

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11. Restoration of a mark per D/S	100
12. Request for registration of registered user, alteration or cancellation of entry of registered user:	
(a) For one class per D/S	50
(b) For every additional class per D/S	50
13. Request for copies of entries in the register of documents or of extracts	
(a) certified copy	30
(b) non-certified copy	20
14. Registration of assignments, licences or other rights	
(a) For one class per D/S	50
(b) For every additional class per D/S	50
15. Cancellation fee for assignment, licence, or other rights	100
16. Request for conversion of the application into a national Application per D/S	50
17. Request for classification of a trademark	50
18. Search fee (availability, status) per search	100
19. Request for extension of time limit	
1 <sup>st</sup> request	50
2 <sup>nd</sup> request of the same case	100
3 <sup>rd</sup> and further requests for the same case	200
20. Request for reduction of Designated States per State	50
21. Request for replacement of lost or destroyed certificate	100
22. Request for early publication of an accepted application	200
23. Transmittal fee for notice of opposition	100
24. Request for a copy of Certificate of Registration (Hard copy)	100
25. Fee for appeal	500

**SCHEDULE II**  
**FORMS**





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