

IP protection in your country. It is often advisable to seek guidance from an IP agent or attorney particularly when the relevant IP laws require that an applicant who does not reside in the country be represented by an agent or attorney entitled to practice in that country.

The IP office or IP agent/attorney should be able to advise you as to the fees and other details regarding the procedure for IP acquisition and maintenance.

ARIPO

ARIPO is mandated to register utility models on behalf of its Contracting States in accordance with the provisions of the Harare Protocol. Current Harare Protocol Contracting States are: *Botswana, The Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mozambique, Namibia, Rwanda, São Tomé and Príncipe, Sierra Leone, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.*

For further information please visit or contact:

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UTILITY MODELS



What is a Utility Model?

A utility model is an exclusive right granted for an invention, which for a limited period of time allows the right holder to prevent others from commercially using the protected invention without the right holder's authorization.

In its basic definition, which may vary from one country (where such protection is available) to another, a utility model is similar to a patent. In fact, utility models are sometimes referred to as "petty patents" or "innovation patents."

How do Utility Models Differ from Patents

The main differences between utility models and patents are the following: The requirements for acquiring a utility model are less stringent than for patents. While the requirement of "novelty" is always to be met, that of "inventive step" or "non-obviousness" may be much lower or absent altogether. In practice, protection for utility models is often sought for innovations of a rather incremental character which may not meet the patentability criteria.

The term of protection for utility models is shorter than for patents and varies from country to country (usually between 7 and 10 years without the possibility of extension or renewal).

In most countries where utility model protection is available, patent offices do not examine applications as to substance prior to registration. This means that the registration process is often significantly simpler and faster, taking, on average, six months.

Utility models are much cheaper to obtain and to maintain. In some countries, utility model protection can be obtained only for certain fields of technology and only for products but not for processes.



Utility models are considered particularly suited for small and medium enterprises (SMEs) that make "minor" improvements to, and adaptations of, existing products. Utility models are primarily used for mechanical innovations.

The "Innovation patent" was introduced as a result of extensive research into the needs of SMEs with the aim of providing a "low-cost entry point into the intellectual property system." Only a small but significant number of countries and regions provide the option of utility model protection.

How Can Your SME Acquire and Maintain Intellectual Property Protection?

Before your SME can take advantage of intellectual property (IP) assets, it has to acquire IP rights. A number of IP rights need to be granted or registered. At the national level, IP offices of the respective countries are the only local institutions entrusted with functions of granting or registering IP rights. The procedure for their acquisition and maintenance may differ from country to country, but the basic principles and features of these procedures are common to most countries.

One should also note that IP rights could also, where certain conditions are met, be acquired at a regional level through the African Regional Intellectual Property Organization (ARIPO). Before seeking IP protection for your SME in a particular country, you are advised to study the country's legal system that governs IP issues.

Sources of information

There are various sources of information on IP legislation. Probably the best place to start would be the national or regional IP office or copyright office to obtain the details of

