



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

**NOTICE TO ALL APPLICANTS ON THE AMENDMENTS TO THE  
HARARE PROTOCOL**

Reference is made to the Resolutions of the ARIPO Administrative Council at its 46<sup>th</sup> Session that was held in Maputo, Mozambique, from 21<sup>st</sup> to 25<sup>th</sup> November 2022. The Administrative Council at the session adopted the amendments to the Harare Protocol on Patents and Industrial Designs as well as its Implementing Regulations, which shall come into force on 1<sup>st</sup> January 2023.

In view of that, the Office wishes to draw your attention to the following amendments:

**1. RULE 7**

*Rule 7  
Claims*

[.....]

(5) (a) Where a group of inventions is claimed in an ARIPO patent application, the requirement of unity of invention under Section 2bis 1(a) shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those features which define a contribution which each of the claimed inventions considered as a whole makes over the prior art.

(b) If the Office considers that the ARIPO patent application does not comply with the requirement of unity of invention, it shall draw up a partial search and examination report on those parts of the application which relate to the invention, or the group of inventions within the meaning of Section 2bis 1(a), first mentioned in the claims. It shall inform the applicant that, the ARIPO search, and examination opinion will only cover the subject-matter of first mentioned invention in the claims and invite the applicant to limit the

application to the invention first mentioned in the claims. The remaining invention(s) can be filed as divisional applications.

## 2. RULE 7BIS. 3

### *Rule 7bis. 3. Exceptions to Patentability of Biotechnological Inventions*

1. ARIPO patents shall not be granted in respect of biotechnological inventions which, in particular, concern the following:  
[.....(i) to (viii)]

(2) Under Section 3(10)(j)(ii), ARIPO patents shall not be granted in respect of plants or animals exclusively obtained by means of an essentially biological process.

## 3. RULE 23

### *Rule 23*

#### *International Applications under the Patent Cooperation Treaty (PCT)*

- (1) Where an international application is filed with the ARIPO Office as receiving Office under **Section 3bis(3)** ~~the Patent Cooperation Treaty~~:
  - (a) the transmittal fee referred to in Rule 14 of the Regulations under that Treaty shall be as prescribed in the Schedule of Fees annexed to these Regulations;
  - (b) the applicant may be represented by an attorney, agent or legal practitioner who has the right to represent applicants before the industrial property Office of a Contracting State which is also bound by the Patent Cooperation Treaty.
- (2) ~~In respect of Where, in an international application under Section 3bis (4) and (5), a Contracting State which is also bound by the Patent Cooperation Treaty is designated for the purpose of obtaining a patent under the provisions of the Protocol, the applicant shall perform the following acts within thirty-one months from the date of filing of the application or, if priority has been claimed, from the priority date:~~
  - (a) furnish an English translation of the international application to the ARIPO Office if the international application was published in a language other than English;
  - (b) pay the following fees, as prescribed in the Schedule of Fees, to the ARIPO Office:
    - (i) the application fee;
    - (ii) the designation fee per country designated;
    - (iii) subject to Rule 21 (4), the annual maintenance fees which have become due;
  - (c) where the applicant's ordinary residence or principal place of business is not in a Contracting State which is also bound by the Patent Cooperation Treaty - appoint

as his representative an attorney, agent or legal practitioner who has the right to represent applicants before the industrial property office of such a Contracting State.

~~(d)~~ file the request for examination provided for in Section 3(3) and Rule 18 (1);

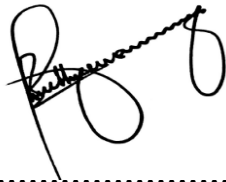
~~(e)~~(d) specify the application documents, as originally filed or as amended, on which the ARIPO grant procedure is to be based.

**(3) In respect of an international application, the applicant shall** file the request for examination as provided for in Section 3(3) and Rule 18 (1).

~~(3)~~(4) For the purpose of Rule 18(2), an international search report established for an international application for which the ARIPO Office acts as designated Office under Article 2 (xiii) of the Patent Cooperation Treaty shall be taken into consideration.

~~(4)~~(5) For the purpose of Rule 18(2), an international preliminary examination report established for an international application for which the ARIPO Office acts as elected Office under Article 2 (xiv) of the Patent Cooperation Treaty shall be taken into consideration.

**[End of Notification]**



Signature: .....

Date: 19<sup>th</sup> December 2022 .....

**Bemanya Twebaze**  
**DIRECTOR GENERAL**