

**MEASURES FOR ACCESSION TO, AND EFFECTIVE USE OF,
THE MADRID SYSTEM**

Japan, Tokyo, March 8 and 9, 2012

TOPIC 8 : COUNTRY PRESENTATION

**THE AFRICAN INTELLECTUAL
PROPERTY ORGANIZATION (OAPI)**

Presented by :
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PLAN

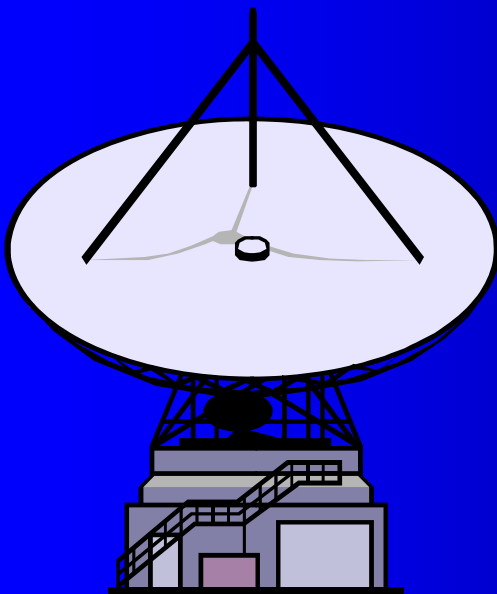
- ① ABOUT OAPI : GENERAL INFORMATION
- ② OAPI INTELLECTUAL PROPERTY SYSTEM
- ③ TRADEMARKS REGISTRATION AT THE OAPI
- ④ OAPI AND THE MADRID SYSTEM

1. ABOUT OAPI : GENERAL INFORMATION

- A. OAPI (Creation)**
- B. HEADQUARTERS**
- C. MEMBER STATES**
- D. MISSIONS OF OAPI**

1. ABOUT OAPI : GENERAL INFORMATION

1.A – OAPI (Creation)



- 13th September 1962 : Creation of OAMPI (African and Malagasy Industrial Property Office)
- 2nd March 1977 : Creation of OAPI (African Intellectual Property Organization)
- Nowadays : 16 Member States, 130 millions of inhabitants
- FONDAMENTAL Law : BANGUI AGREEMENT

1. ABOUT OAPI : GENERAL INFORMATION

1.B – HEADQUARTERS

LOCATION

Place de la Préfecture
BP: 887 Yaoundé
(CAMEROON)

Tél. (237) 22.20.57.00

Fax: (237) 22.20.57.27
22.20.57.21

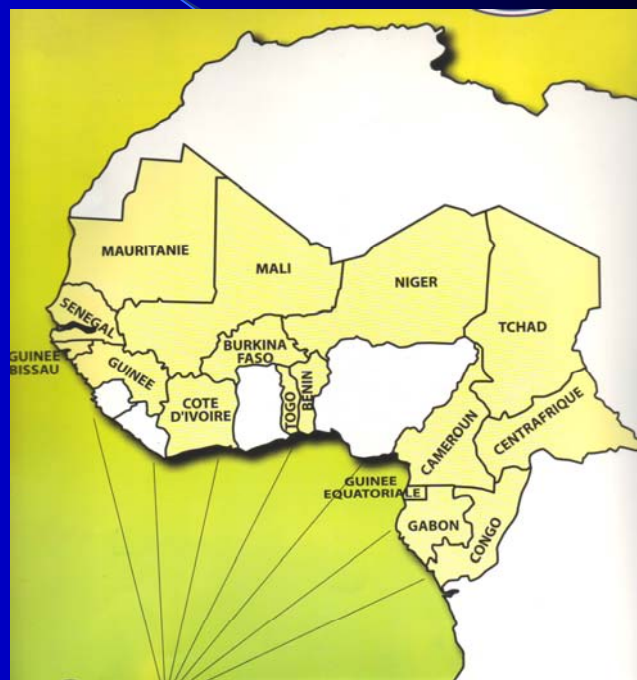
URL: <http://www.oapi.int>



1. ABOUT OAPI : GENERAL INFORMATION

1.C – THE 16 MEMBER STATES

- BENIN
- BURKINA FASO
- CAMEROON
- CENTRAL AFRICAN REPUBLIC
- CHAD
- CONGO
- COTE D'IVOIRE
- EQUATORIAL GUINEA
- GABON
- GUINEA
- GUINEA BISSAU
- MALI
- MAURITANIA
- NIGER
- SENEGAL
- TOGO



1. ABOUT OAPI : GENERAL INFORMATION

1.D – MISSIONS OF OAPI

- Protection of industrial Property rights
- Dissemination of technical information
- Contributing to the promotion of the protection of literary and artistic property rights
- Promoting the economic development of member States
- Providing intellectual property training
- Any other assignment in connection with IP entrusted by the member States.

2. OAPI INTELLECTUAL PROPERTY SYSTEM

- A. THE ORGANS OF THE ORGANIZATION**
- B. CHARACTERISTICS OF THE OAPI SYSTEM**
- C. IP ITEMS COVERED BY THE BANGUI AGREEMENT**

2. OAPI INTELLECTUAL PROPERTY SYSTEM

2.A – THE ORGANS OF THE ORGANIZATION

- **THE ADMINISTRATIVE COUNCIL** : Highest authority of the Organization, composed of Ministers of member States in charge of Industrial Property matters.
- **THE HIGH COMMISSION OF APPEAL** : Responsible for ruling on appeals against the Decisions of the Director General in connection with industrial property protection, its decisions are not subject to other appeal.
- **THE DIRECTORATE GENERAL** : Under the authority of a Director General, it's responsible for executive work of the Organization.

2. OAPI INTELLECTUAL PROPERTY SYSTEM

2.B – CHARACTERISTICS OF THE OAPI SYSTEM

- A UNIFORM LEGISLATION : BANGUI AGREEMENT
- A COMMON OFFICE : THE OAPI
- A CENTRALISED PROCEDURE
- A UNIQUE TITLE GRANTED
- A BEAM OF RIGHTS VALID IN 16 MEMBER STATES
- NO NATIONAL OFFICE IN MEMBER STATES ; JUST NATIONAL LIAISON STRUCTURES (SNL) INSURING THE RELAY
- THE REGIONAL SYSTEM IS IN ACCORDANCE WITH :
 - ✦ *THE PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY*
 - ✦ *THE BERNE CONVENTION FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS*
 - ✦ *THE ROME CONVENTION FOR THE PROTECTION OF PERFORMERS, PRODUCERS OF PHONOGRAMS AND BROADCASTING ORGANISATIONS*
 - ✦ *THE UPOV CONVENTION FOR PLANT VARIETY PROTECTION*
 - ✦ *THE TRIPS AGREEMENT*

2. OAPI INTELLECTUAL PROPERTY SYSTEM

2.C – IP ITEMS COVERED BY THE BANGUI AGREEMENT

- PATENTS
- UTILITY MODELS
- TRADEMARKS (APPLIED TO GOODS OR SERVICES)
- INDUSTRIAL DESIGNS
- TRADE NAMES
- GEOGRAPHICAL INDICATIONS
- LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS
- PLANT VARIETY PROTECTION
- LITERARY AND ARTISTIC PROPERTY

3. REGISTRATION OF TRADEMARK AT THE OAPI

- A. LEGAL BASIS
- B. APPLICATION (WHERE AND HOW)
- C. REGISTRATION
- D. STATISTICS

3. REGISTRATION OF TRADEMARK AT THE OAPI

3.A – LEGAL BASIS

a) PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY OF MARCH 20, 1883 (and revised versions)

📖 Art. 1 Al.2 « The protection of industrial property has as its object [-] trademarks, ... » ;

b) THE BANGUI AGREEMENT OF FEBRUARY 24, 1999 AND ITS ANNEX III

3. REGISTRATION OF TRADEMARK AT THE OAPI

3.B – APPLICATION (where and how)

- a) **WHERE TO FILE AN APPLICATION? DIRECTLY AT THE OAPI HEADQUARTERS**
- ✦ AT THE ONE-STOP-SHOP IN THE OFFICE
 - ✦ IN THE BOX AT THE HEADQUARTERS (FOR APPLICATIONS AFTER WORKING HOURS AND DURING PUBLIC HOLIDAYS)
 - ✦ TRANSMISSION BY POSTAL MAIL (FOR APPLICANTS OF OAPI REGION RESIDING OUT OF YAOUNDE)
- b) **WHERE TO FILE AN APPLICATION? INDIRECTLY**
- ✦ BY THE MINISTRY IN CHARGE OF INDUSTRIAL PROPERTY MATTERS
 - ✦ VIA ATTORNEYS IN OAPI REGION FOR FOREIGN APPLICANTS RESIDING OUT OF THE OAPI REGION
- c) **HOW TO FILE AN APPLICATION?**
- ✦ BY FILLING A FORM IN 4 COPIES AND SENDING IT TO THE DIRECTOR GENERAL OF OAPI USING ONE OF THE ABOVE ROUTES
 - ✦ ADDING TO THIS FILE THE PROOF OF PAYMENT OF OFFICIAL FEES
 - ✦ CLAIMING PRIORITY IF ANY BUT NOT LATER THAN 3 MONTHS FROM THE APPLICATION DATE
 - ✦ SEPARATING TRADEMARK APPLICATIONS RELATING TO GOODS FROM THOSE RELATING TO SERVICES
 - ✦ THE APPLICATION FORM CAN BE DOWNLOADED FROM THE OAPI WEB SITE
 - ✦ THE TRADEMARK SHOULD BE A VIEWABLE SIGN

3. REGISTRATION OF TRADEMARK AT THE OAPI

3.C – REGISTRATION

- **THE ONE-STOP-SHOP :**
 - ✦ *RECEVABILITY EXAMINATION, APPLYING DATE AND APPLICATION NUMBER, CREATION OF THE FILE (DIGITALLY & PHYSICALLY), BILLING*
 - ✦ *TRANSMISSION OF THE PHYSICAL FILE TO THE DPI*
- **THE DEPARTMENT OF INDUSTRIAL PROPERTY PROTECTION (DPI) :**
 - DISTINCTIVE SIGNS SERVICE (SSD)**
 - ✦ *TECHNICAL EXAMINATION, ISSUE OF REGISTRATION ORDER (ARRETE) AND CERTIFICATE*
 - ✦ *TRANSMISSION OF THE FILE TO THE DEPARTMENT IN CHARGE OF PUBLICATION (DAT)*
- **THE DEPARTMENT OF TECHNICAL ASSISTANCE AND DEVELOPMENT (DAT) :**
 - DOCUMENTATION, PUBLICATION AND INFORMATION DISSEMINATION SERVICE (SPD)**
 - ✦ *PUBLICATION OF REGISTERED TRADEMARKS IN THE IP OFFICIAL GAZETTE (BOPI)*
- **OPENING OF THE OPPOSITION PHASE**
 - ✦ *A PERIODE OF SIX MONTHS RUNNING FROM THE DATE OF PUBLICATION OF THE TRADEMARK*

3. REGISTRATION OF TRADEMARK AT THE OAPI

3.D1 – STATISTICS (Trademark applications at OAPI from worldwide)

Year	2007	2008	2009	2010	2011
Country					
OAPI MEMBER STATES	767	867	1020	1042	937
JAPAN	56	72	30	49	70
OTHER COUNTRIES	1725	2101	1733	2165	2260
TOTAL APPLICATIONS	2548	3040	2783	3256	3267

3. REGISTRATION OF TRADEMARK AT THE OAPI

3.D2 – STATISTICS (Applications from OAPI Member States)

PAYS Ƴ ANNEE	2007	2008	2009	2010	2011	TOTAL
Bénin	79	59	46	60	54	298
Burkina Faso	26	36	36	24	39	161
Cameroon	144	206	277	308	256	1191
Congo	13	10	10	10	23	66
Côte d'Ivoire	170	236	267	239	140	1052
Gabon	19	23	12	42	22	118
Guinea	28	33	24	33	51	169
Guinea Bissau	6	4	4	8	10	32
Equatorial Guinea	0	0	0	9	5	14
Mali	39	58	60	47	69	273
Mauritania	22	26	12	16	30	106
Niger	7	5	8	18	7	45
Central African Rep.	0	0	0	1	3	4
Senegal	188	144	165	156	154	807
Chad	2	1	0	4	3	10
Togo	24	26	99	67	71	287
TOTAL	767	867	1020	1042	937	4633

4. OAPI AND THE MADRID SYSTEM

IMPACT STUDY AND ITS CONCLUSION

4. OAPI AND THE MADRID SYSTEM

IMPACT STUDY AND ITS CONCLUSION

→ 1998 - 2000 : IMPACT STUDY

- ✧ *ANALYSIS OF THE MADRID SYSTEM (TRADEMARK REGISTRATION PROCEDURE, FINANCIAL RESOURCES, ADVANTAGE AND DISADVANTAGE)*
- ✧ *COMPATIBILITY ANALYSIS BETWEEN THE OAPI SYSTEM AND THE MADRID SYSTEM (TRADEMARK REGISTRATION PROCEDURE, EVOLUTION OF FINANCIAL RESOURCES, EQUILIBRIUM CONDITION, IMPACT ON OAPI HUMAN RESOURCES AND ATTORNEYS, ...)*

→ THE 40TH ADMINISTRATIVE COUNCIL OF THE OAPI :

- ✧ *SUBMISSION OF THE IMPACT STUDY TO THE ADMINISTRATIVE COUNCIL*
- ✧ *DECISION OF KEEPING THE SUBJECT MATTER IN STANDBY FOR BETTER UNDERSTANDING OF THE MADRID SYSTEM AND ITS IMPACT ON THE OAPI SYSTEM*

**MANY THANKS FOR YOUR
ATTENTION !**