

BUREAUX INTERNATIONAUX
RÉUNIS POUR LA PROTECTION
DE LA PROPRIÉTÉ INTELLECTUELLE
GENÈVE, SUISSE

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UNITED INTERNATIONAL
BUREAUX FOR THE PROTECTION
OF INTELLECTUAL PROPERTY
GENEVA, SWITZERLAND

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February 24, 1967

ENGLISH TRANSLATIONS

of

The Agreement, signed at Libreville on September 13,
1962, relating to the Creation of an African and
Malagasy Industrial Property Office

and its Annexes on

Patents and Patent Regulations

Trademarks and Trademark Regulations

Industrial Designs and Industrial Design Regulations

BUREAUX INTERNATIONAUX REUNIS
POUR LA PROTECTION DE LA
PROPRIÉTÉ INTELLECTUELLE
BIBLIOTHÈQUE

AGREEMENT RELATING TO THE CREATION OF AN AFRICAN
AND MALAGASY INDUSTRIAL PROPERTY OFFICE

The Government of the Federal Republic of Cameroon,
The Government of the Central African Republic,
The Government of the Republic of the Congo,
The Government of the Republic of the Ivory Coast,
The Government of the Republic of Dahomey,
The Government of the Republic of Gabon,
The Government of the Republic of Upper Volta,
The Government of the Malagasy Republic,
The Government of the Islamic Republic of Mauritania,
The Government of the Republic of the Niger,
The Government of the Republic of Senegal,
The Government of the Republic of Chad,

Moved by the desire to protect upon their territories,
in as effective and uniform a manner as possible, rights of
industrial property;

Undertaking, for this purpose, to accede to the Conven-
tion for the Protection of Industrial Property, signed at
Paris on March 20, 1883, and last revised at Lisbon on
October 31, 1958;

Having regard to Article 15 of the said Convention which
provides "that the countries of the Union reserve the right
to make separately between themselves special agreements for
the protection of industrial property, in so far as these
agreements do not contravene the provisions of the present
Convention";

Having regard to Article 4A(2) of the said Convention
which provides that "every filing that is equivalent to a
regular national filing under the domestic law of any country

of the Union or under bilateral or multilateral treaties concluded between countries of the Union shall be recognized as giving rise to a right of priority";

Considering the desirability of instituting a system of single filing of applications for patents, trademarks, and industrial designs, for the purpose of obtaining the rights provided by the uniform laws of their countries, and the creation of an organ to apply the common administrative procedures prescribed by the said laws;

Have resolved to conclude an Agreement for the creation of an African and Malagasy Industrial Property Office (Office Africain et Malgache de la Propriété Industrielle), and have designated for that purpose Plenipotentiaries, who have agreed upon the following provisions:

Article 1

An African and Malagasy Industrial Property Office is hereby created, and entrusted, under the conditions hereinafter specified, with the application of the common administrative procedures provided for by the domestic laws of the member States in the field of patents, trademarks, and industrial designs.

For each of the member States, the Office shall serve as a national industrial property office, within the meaning of Article 12 of the above-mentioned Convention.

The patent, trademark, and industrial design rights to which the common procedures shall apply are independent national rights governed by the law of each of the member States in which they have effect.

Article 2

(1) The laws applicable in each member State in the field of patents, trademarks, and industrial designs, are provided for in Annexes I, II, and III, of this Agreement.

(2) However, each member State is entitled, either at the moment of its ratification or accession, or subsequently thereto, to give effect upon its territory to the modifications provided for in Annex IV, to the exclusion of all others.

The said modifications, as well as the date of their entry into force, shall be notified by each member State to the Government of the Federal Republic of Cameroon.

(3) Annexes I, II, III, and IV, form an integral part of this Agreement.

Article 3

(1) Where an applicant is domiciled in the territory of one of the member States, applications for patents, trademarks, and industrial designs, shall be filed either with the national Administration (Administration nationale) or with the Office, according to the legal provisions in force in such State.

(2) Applicants domiciled outside the territories of member States shall file the applications referred to above directly with the Office. They must appoint an agent in one of the member States.

(3) Applications filed with the Office may be transmitted by mail.

(4) All communications addressed to the Office shall be written in French.

Article 4

Every application filed with the national Administration of one of the member States, in accordance with the law of such State, or with the Office, shall be equivalent to a national application in each member State.

Article 5

(1) The Office shall proceed with the registration and administrative examination of applications for patents in accordance with the common procedure prescribed by the laws of the member States.

It shall grant the patents and ensure their publication.

(2) Every patent granted shall produce its effect in each of the member States according to the domestic law of such State.

Article 6

(1) The Office shall proceed with the administrative examination, registration, and publication, of trademarks in accordance with the common procedure prescribed by the laws of the member States.

(2) Registered and published trademarks shall produce their effect in each of the member States according to the domestic law of such State.

(3) The Office shall carry out the procedures relating to the international registration of trademarks pursuant to the Madrid Agreement of April 14, 1891.

Article 7

The Office shall effect the registration, maintenance, and publicity, of deposits of industrial designs in accordance with the common procedure prescribed by the laws of the member States.

Deposits of industrial designs shall produce their effect in each of the member States according to the domestic law of such State.

Article 8

Every publication of the Office shall be addressed to the Administration of each of the member States.

Article 9

The Office, on behalf of all the member States, shall keep a special register of patents, a special register of trademarks, and a special register of industrial designs, in which the entries prescribed by the domestic laws shall be made.

Article 10

Every decision of the Office rejecting an application shall be subject to appeal to the Higher Commission of Appeals (Commission supérieure de recours) attached to the said Office.

This Commission, which, if necessary, shall hold one session each year, shall be composed of three members chosen by lot from a list of representatives of each of the member States, the first name drawn being that of the President.

At two-year intervals, each member State shall designate its representative, whose term of office shall be renewable.

The appeals procedure shall be governed by the regulations provided for in Article 13.

Article 11

Any other task relating to the application of the laws of industrial property may be entrusted to the Office by unanimous decision of the Governing Body (Conseil d'Administration) provided for in Article 12.

Article 12

(1) The Office shall be administered by a Governing Body composed of the representatives of the member States, each State having one representative.

(2) Any member State may entrust its representation on the Governing Body to the representative of another member State. No member of the Governing Body may represent more than two States.

(3) The Governing Body shall make its own regulations and each year shall designate its President. It shall meet on the initiative of its President, or of one-third of its members, or, in case of urgency, of the Director of the Office.

Article 13

Apart from the tasks devolving upon it by virtue of other provisions of this Agreement, the Governing Body shall determine the general policy of the Office, shall regulate and control its activity and shall, in particular:

- (1) draw up the regulations necessary for the application of this Agreement and its Annexes, especially the financial regulations and the regulations relating to fees, to the Appeals Commission, and to staff matters, and shall supervise the application of the regulations;
- (2) vote the annual budget and, where necessary, any modifying or additional budgets, and supervise their implementation;
- (3) verify and approve the annual accounts and inventories;
- (4) approve the annual report on the activity of the Office;
- (5) appoint the Director and the Assistant Director.

Article 14

(1) In any decision of the Governing Body, the representative of each member State shall have one vote.

(2) Decisions of the Governing Body shall be taken by a majority vote. In the event of equality of votes, the vote of the President shall prevail.

Article 15

The Director shall manage the affairs of the Office in accordance with the regulations drawn up by the Governing Body and the directives issued by it.

Article 16

The Office is a legal entity. In each of the member States it shall enjoy the widest form of juridical capacity recognized in respect of legal entities by the domestic law.

Article 17

The member States shall make an initial payment, the total amount of which shall be fixed by the Governing Body and divided equally among the contracting parties.

Article 18

The annual expenses of the Office shall be covered by:

- (a) the proceeds from fees prescribed by the regulations of the Office and by the laws of the member States;
- (b) receipts in payment of services rendered;
- (c) all other receipts, and particularly those deriving from property of the Office.

Where necessary to balance the budget, a special contribution by the member States shall be paid to the Office.

The amount shall be recorded in the budget and divided equally among the contracting parties.

Article 19

(1) The Office shall prescribe the fees and receipts necessary for its functioning and fix the amounts thereof and method of payment.

(2) It shall fix the amount and method of payment of fees provided for by the laws of member States relating to industrial property.

Article 20

The Office shall pay annually to each member State the share of any annual budgetary surplus accruing to such State, after deduction, where necessary, of its special contribution.

Budgetary surpluses shall be determined after making provision for the reserve fund and special funds established by the financial regulations.

They shall be divided equally among the member States.

Article 21

The Office shall be located at Yaoundé (Federal Republic of Cameroon). The Office shall be placed under the protection of the Government of the Federal Republic of Cameroon.

Article 22

The regulations established by the Governing Body, under Article 13, for the application of this Agreement and its Annexes shall, at the request of the Office, be made applicable to the territory of each member State, in accordance with the provisions of its domestic law.

Article 23

This Agreement shall be ratified and the instruments of ratification deposited with the Government of the Federal Republic of Cameroon.

Article 24

This Agreement shall enter into force two months after the deposit of the instruments of ratification by at least two-thirds of the signatory States.

The date of entry into force of the Annexes to this Agreement shall be determined by the Office.

Article 25

(1) Every non-signatory African State which is party to the Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, and last revised at Lisbon on October 31, 1958, may apply to accede to this Agreement. The application shall be addressed to the Governing Body, which shall decide upon it by a majority vote. Equality of votes shall be tantamount to rejection.

(2) Instruments of accession shall be deposited with the Government of the Federal Republic of Cameroon.

(3) Accession shall become effective two months after such deposit, unless a later date has been indicated in the instrument of accession.

Article 26

Any State party to this Agreement may denounce it by written notification addressed to the Government of the Federal Republic of Cameroon.

Denunciation shall take effect from December 31 of the second year following that in which the Government of the Federal Republic of Cameroon received the notification.

Article 27

This Agreement may be submitted to periodic revisions, particularly with a view to the introduction of modifications of such a nature as to improve the services rendered by the Office.

Article 28

The Government of the Federal Republic of Cameroon shall notify the signatory or acceding States:

1. of the deposit of instruments of ratification;
2. of the deposit of instruments of accession, and the date upon which these accessions take effect;
3. where necessary, of modifications made by any of the member States, by virtue of the provisions of Article 2, paragraph (2), and of Annex IV, to the laws prescribed by Annexes I, II, and III, and of the date upon which such modifications take effect;
4. of the date upon which this Agreement comes into force by virtue of the provisions of Article 24;
5. of the denunciations referred to in Article 26, and of the date upon which they take effect.

In faith whereof, the undersigned Plenipotentiaries, after presentation of their full powers, recognized in due and proper form, have signed this Agreement.

Done at Libreville on September 13, 1962, in a single copy, in the French language, which shall be deposited in the archives of the Government of the Federal Republic of Cameroon. A true certified copy shall be sent through diplomatic channels by the latter Government to the Government of each of the signatory or acceding States.

For the Government
of the Federal Republic of Cameroon:
Ahmadou AHIDJO

For the Government
of the Central African Republic:
David DACKO

For the Government
of the Republic of Congo-Brazzaville:
Fulbert YOULOU

For the Government
of the Republic of the Ivory Coast:
Houphouët BOIGNY

For the Government
of the Republic of Dahomey:
Hubert MAGA

For the Government
of the Republic of Gabon:
Léon MBA

For the Government
of the Republic of Upper Volta:
Maurice YAMEOGO

For the Government
of the Malagasy Republic:
Philibert TSIRANANA

For the Government
of the Islamic Republic of Mauritania:
Moktar Ould DADAH

For the Government
of the Republic of the Niger:
Diori HAMANI

For the Government
of the Republic of Senegal:
Lécpold Sédar SENGHOR

For the Government
of the Republic of Chad:
François TOMBALBAYE

ANNEX I

Patents

PART I

General Provisions

Article 1

Every new invention in any branch of industry shall confer upon its authors, under the conditions and for the terms hereinafter specified, the exclusive right to use the said invention for his own profit.

Article 2

The following shall be deemed to be new inventions:

- (a) the invention of new industrial products;
- (b) the invention of new means for obtaining a result or an industrial product;
- (c) the new application of known means for obtaining a result or an industrial product.

Article 3

The following shall not be patentable:

- (1) inventions contrary to public order or security, morality, and law;
- (2) pharmaceutical compositions or remedies of any kind, the said products remaining subject to the special laws and regulations in the matter, and the exclusion not applying to processes, devices, and apparatus, serving to obtain them.

Article 4

The term of patents shall be twenty years from the date of the filing of the application prescribed by Article 6.

Each patent shall give rise to the payment of:

- (1) an application fee and a fee for publication;
- (2) an annual fee or annuity.

Article 5

Foreigners may obtain patents under the conditions laid down by this Annex.

PART II

Formalities Relating to the Grant of Patents

SECTION I

Applications for Patents

Article 6

Any person who wishes to take out a patent shall file, or send by registered mail, with a request for acknowledgment of receipt, to the Ministry responsible for industrial property:

- (1) his application to the Director of the African and Malagasy Industrial Property Office;
- (2) the document attesting payment to the Office of the application and publication fees;
- (3) an unstamped, signed power of attorney, if the applicant is represented by an agent;
- (4) a sealed envelope containing, in duplicate:
 - (a) a description of the invention forming the subject of the patent applied for;
 - (b) the drawings necessary for an understanding of the description.

Article 7

The application shall be limited to a single main subject, including the matters of detail making it up, and such applications thereof as have been indicated. It may not contain either restrictions, conditions, or reservations. It shall include a title designating the subject of the invention in concise and exact terms.

The description must be written in the French language and must not contain alterations or interlineations. Words struck out shall be counted and recorded, and all pages and amendments initialled. It must not contain any denominations of weights and measures other than those regarded as legal.

The description shall end with a summary, setting out in one or more numbered paragraphs the fundamental principle of the invention and the secondary points, if any, which characterize it.

Drawings shall be executed in ink and to a metric scale.

All documents shall be signed by the applicant or by an agent.

Article 8

Any person wishing to avail himself of the priority of an earlier application shall be required to attach to his application for a patent, or to send to the African and Malagasy Industrial Property Office, at the latest within a period of six months from the filing of his application:

- (1) a written declaration indicating the date and the number of the earlier application, the country in which it was filed, and the name of the applicant;
- (2) a true certified copy of the said earlier application;
- (3) and, if he is not the person who made the earlier application, a written authorization from the applicant or his successors in title entitling him to avail himself of the priority in question.

An applicant who, in respect of a single application, seeks to avail himself of several priority rights shall, in respect of each such right, comply with the same requirements as those set out above; he shall, further, pay a fee in respect of each priority right invoked and produce evidence of payment of such fee within the same period of six months specified above.

Failure to file any one of the documents referred to above within the specified time shall automatically entail, in respect of the particular application only, loss of the benefit of the priority right invoked.

Any document reaching the Office more than six months after the filing of an application for a patent shall be declared unacceptable.

Article 9

No application shall be accepted unless accompanied either by a receipt attesting payment of the application and publication fees, or by a money order, postal cheque receipt, or notice of a bank transfer covering the amount of such fees.

A minute, drawn up free of charge by the Ministry responsible for industrial property, shall record each application filed, setting out the day and hour when the documents were delivered or the envelope containing them was received, if sent by mail. Where payment of the fees is not effected until later, the date of filing of the application shall be that of the payment, and the hour of filing shall be the hour of closing on that day of the offices of the Ministry responsible for industrial property.

An official copy of the said report shall be given or sent to the applicant.

SECTION II

Grant of Patents

Article 10

Immediately after registration of the application, and

within five days of the date of its filing, the Minister responsible for industrial property shall transmit the sealed envelope submitted by the inventor to the African and Malagasy Industrial Property Office, together with a copy of the application, a certified copy of the minute recording the filing of the application, the document attesting payment of fees and, where applicable, the power of attorney referred to in Article 6, and the priority documents.

The African and Malagasy Industrial Property Office shall open the applications, register them, and grant patents in the order in which the said applications have been received.

Article 11

Where the application has been drawn up in due form, patents shall be granted without prior examination, at the risk of the applicants, and without guarantee either as to the actual existence, novelty or merit of the invention, or as to the fidelity or exactness of the description.

The decision of the Director of the Office establishing that the application is in order shall be notified to the applicant and shall constitute the letters patent.

The decision shall be accompanied by a printed copy of the description and drawings referred to in Article 23, after their conformity with the original documents has been verified and established, where necessary.

Article 12

Grant of a patent shall not take place until one year after the date of filing of the application, if the said application contains an express request to that effect. Any person who has requested the benefit of this provision may renounce it at any time within the said period of one year.

The benefit of the foregoing provision may not be claimed by persons who have already availed themselves of the priority periods granted by reciprocity treaties, and particularly by Article 4 of the International Convention for the Protection of Industrial Property, of March 20, 1883.

Article 13

Every application having as its subject an invention which is not capable of being patented pursuant to Article 3 shall be rejected.

The same shall apply to any application which is not accompanied by a copy of the documents provided for in item (4) of Article 6, or in which the description is written in a language other than that provided for in Article 7, paragraph (2).

An application which fails to satisfy the requirements of paragraph (1) of Article 7 may, within a period of six months from the date of the notification that the application as submitted cannot be accepted because it does not relate to one main subject, be divided into a certain number of applications benefiting from the date of the initial application.

Every application in which the other requirements of Article 6, except for item (2) thereof, and those of Article 7, have not been complied with shall, where necessary, be returned to the applicant or his agent, inviting him to put the documents in order within a period of two months. This period may be extended in case of justifiable need, upon the request of the applicant or his agent. Any application thus put in order within the said period shall retain the date of the initial application.

If the documents thus put in order have not been furnished within the period allowed, the application for a patent shall be rejected.

No application may be rejected in pursuance of paragraph (1) of this Article without first obtaining the comments of the applicant or his agent.

Prior to grant, any application for a patent or for a certificate of addition may be withdrawn by the person who made such application. The documents filed shall be returned to him only if he so requests.

SECTION III

Certificates of Addition

Article 14

The patentee or his successors in title shall have,

throughout the entire term of the patent, the right to make modifications and improvements in or additions to the invention, by complying with the formalities prescribed by Articles 6, 7, 8, and 9, when filing the application.

Such modifications, improvements, or additions, shall be recorded by means of certificates issued in the same form as the main patent and having, as from the respective dates of the applications and their grant, the same effects as the said main patent.

Each application for a certificate of addition gives rise to the payment of the application and publication fees referred to in Article 4.

Certificates of addition taken out by any one of the successors in title shall benefit all the others.

Article 15

Certificates of addition shall expire with the main patent. However, nullity of the main patent shall not automatically involve nullity of the corresponding certificate or certificates of addition; and even where absolute nullity has been pronounced in pursuance of the provisions of Article 32, the certificate or certificates of addition shall survive the main patent until the expiration of the normal term of the latter, subject to continued payment of the annual fees that would have been payable if the said patent had not been annulled.

Article 16

As long as a certificate of addition has not been issued, the applicant may cause his application for a certificate of addition to be converted into an application for a patent, whose filing date shall be that of the application for the certificate. Any patent thus granted shall give rise to payment of the same annual fees as a patent applied for on the latter date.

Article 17

Every patentee who, in respect of a modification, improvement, or addition, wishes to take out a main patent instead of a certificate of addition expiring with the original patent

must comply with the formalities prescribed by Articles 6, 7, 8, and 9, and pay the fees referred to in Article 4.

Article 18

Any person who has taken out a patent for an invention bearing upon the subject of another patent shall have no right to use the invention already patented and, conversely, the registered owner of the original patent may not use the invention which is the subject of the new patent.

SECTION IV

Transfer and Assignment of Patents

Article 19

The rights attaching to an application for a patent or to a patent shall be transferable in whole or in part.

Acts concerning transfer of ownership, licensing or termination of the right of use, mortgage or cancellation of mortgage relating to an application for a patent or to a patent, shall, under penalty of nullity, be drawn up in writing.

Article 20

The acts referred to in the preceding Article shall be enforceable against third parties only if they have been recorded in the Special Register of Patents (Registre spécial des Brevets) maintained at the African and Malagasy Industrial Property Office. A copy of the acts shall be kept in the archives of that Office.

The African and Malagasy Industrial Property Office shall furnish to any persons so requesting a copy of the entries made in the Special Register of Patents, as well as particulars of existing entries in respect of mortgaged patents, or a certificate to the effect that no such entry exists.

Article 21

Any persons who have acquired from a patentee or from his successors in title the right to use the invention shall automatically benefit from any certificates of addition that may subsequently be granted to the patentee or to his successors in title. Conversely, the patentee or his successors in title shall benefit from any certificates of addition that may subsequently be granted to persons who have acquired the right to use the invention.

All persons entitled to benefit from such certificates of addition may obtain an official copy thereof from the African and Malagasy Industrial Property Office.

SECTION V

Communication and Publication of
Patent Descriptions and Drawings

Article 22

Descriptions and drawings pertaining to granted patents and certificates of addition shall be kept in the archives of the African and Malagasy Industrial Property Office, where, after publication of the grant of the patents or of the certificates of addition in the catalogue provided for in Article 23, they shall be made available upon request.

After the same date, any person may obtain an official copy of the said descriptions and drawings.

The provisions of the two preceding paragraphs shall be applicable to official copies produced by applicants who have sought to avail themselves of the priority of an earlier application and to the documents entitling some of the said applicants to claim such priority.

The author of an application for a patent or for a certificate of addition who seeks to avail himself abroad of the priority of his application before the patent or certificate of addition has been granted may obtain an official copy of his application.

Article 23

The descriptions and drawings of all patents and certificates of addition shall be published in extenso, and in separate leaflets (fascicules), in their order of grant.

Publication, in the case of descriptions and drawings pertaining to patents and certificates of addition for which deferment of grant has been requested for the period of one year provided for in Article 12, shall not take place until after the expiration of such period.

A catalogue of patents and certificates of addition granted shall, further, be published.

Article 24

The printed separate leaflets of each patent and certificate of addition, as well as the catalogues published in pursuance of the preceding Article, shall be filed in the African and Malagasy Industrial Property Office, at the Ministry responsible for industrial property, and in the departments designated by decree of the Minister responsible for industrial property, where they may be consulted free of charge.

PART III

Nullity, Forfeiture, and
Actions Relating Thereto

SECTION I

Nullity and Forfeiture

Article 25

Patents granted in the following cases shall be null and void:

- (1) if the invention is not new;
- (2) if the invention is not patentable, within the terms of Article 3, without prejudice to any penalties that might be incurred for the manufacture or sale of prohibited articles;

- (3) if the patents relate to theoretical or purely scientific principles, methods, systems, discoveries, and conceptions, the industrial applications of which have not been indicated;
- (4) if the title under which the patent has been applied for fraudulently indicates a subject other than the true subject of the invention;
- (5) if the description attached to the patent is not sufficient for carrying out the invention, or if it does not indicate fully and truly the real methods of the inventor.

Certificates in respect of modifications, improvements, or additions, which do not bear upon the main patent shall likewise be null and void.

Article 26

Any invention which has received, on national or foreign territory and prior to the date of application for a patent, sufficient publicity to enable it to be carried out, or which is described in a patent currently in force on the said territory, even if unpublished but benefiting from an earlier date, shall not be deemed to be new.

Article 27

A patentee who has not paid his annual fee before the beginning of each year of the term of his patent shall forfeit all his rights.

However, he shall be allowed six months in which he may validly effect payment of his annual fee. In such case, he shall further pay a surcharge.

Payments effected within the above period of six months in addition to the annual fees or surcharges shall be considered valid.

Payments effected in respect of outstanding annual fees and surcharges which relate to an application for a patent arising either out of the conversion, in accordance with Article 16, of an application for a certificate of addition,

or out of the division, in accordance with paragraph (3) of Article 13, of an application for a patent, shall likewise be considered valid, provided these payments are made within a period of six months from the date of the application for conversion or of the filing of applications resulting from division.

Article 28

Any person who, by means of signs, advertisements, prospectuses, posters, marks, or stamps, claims to be a patentee, without possessing a patent granted in accordance with the law, or after the expiration of an earlier patent, or who, being a patentee, mentions his status of patentee or his patent without adding the words "without guarantee of the Government," shall be punishable by a fine of from 50,000 to 150,000 francs CFA (Communauté française Afrique). In the event of recidivism, the fine may be doubled.

SECTION II

Actions for Nullity or Forfeiture

Article 29

Actions for nullity and actions for forfeiture may be instituted by any interested party.

Such actions, as well as all disputes relating to the ownership of patents, shall be brought before the Civil Tribunals.

Article 30

If the action is directed simultaneously against the registered owner of the patent and against one or more part-licensees, it shall be brought before the Civil Tribunal of the place of domicile of the registered owner of the patent.

Article 31

The case shall be investigated and judged in the manner prescribed for summary proceedings. It shall be communicated to the public prosecutor (Procureur de la République).

Article 32

In all proceedings seeking to obtain nullity or forfeiture of a patent, the Public Prosecutor (Ministère public) may intervene and plead for a decision of absolute nullity or forfeiture of the patent.

He may also initiate proceedings directly by bringing an action as a principal (action principale) for nullity in the cases provided for in items (2) and (4) of Article 25.

Article 33

In the cases provided for in Article 32, all persons having an interest in the patent, and whose title to such interest has been registered at the African and Malagasy Industrial Property Office in accordance with Article 20, shall be parties to the suit.

Article 34

When absolute nullity or forfeiture of a patent has been pronounced in a judgement or decree which has become final, notice thereof shall be given to the African and Malagasy Industrial Property Office, and the nullity or forfeiture on the national territory shall be recorded in the Special Register of Patents and published in the manner prescribed by Article 23 for granted patents.

PART IV

Compulsory Licenses

Article 35

Every patent which, without valid reason, is not used

in a real and effective manner by the registered owner, either personally or through the intermediary of a licensee, may form the subject of an application for a license known as a compulsory license.

Such application for a license may be made only if the registered owner has not used the patent in the manner prescribed above within a period of three years after the grant of the patent or of four years after the filing of the application for a patent, whichever is the longer.

The same shall apply in the case of a patent whose use has, without valid reason, been discontinued for more than three years.

The registered owner of a patent for which a compulsory license has been granted is obliged to allow the licensee to use his patent without let or hindrance, under penalty of damages payable to the holder of the compulsory license.

Article 36

Any person applying for a compulsory license must produce evidence of having previously approached the registered owner of the patent and of having failed to obtain from him by agreement, within a period of three months, a license to use the patent.

Article 37

The application, which must be supported by the evidence provided for in the preceding Article, shall be brought before the Civil Tribunal of the place of domicile of the patentee or, if the patentee is domiciled abroad, before the Civil Tribunal of the locality where he has his address for service.

The Tribunal shall summon the applicant and the patentee, or their representatives, as well as any other interested parties, and shall hear, fully and in public, the arguments of both sides.

The Tribunal may order an inquiry and an expert examination, or one or other of these measures.

It shall seek the advice of the Minister responsible for industrial property who shall, where necessary, consult the other Ministers concerned. The Minister responsible for industrial property may delegate a representative to take part in the debate and to make any useful observations. The conclusions of the Public Prosecutor shall also be heard.

Article 38

In its decision, the Tribunal shall find, where applicable, that the patent has not been the subject of real and effective use; it shall pronounce upon the value of the reasons invoked and, where necessary, upon the existence of an abuse of monopoly justifying the grant of a compulsory license.

In determining whether abuse exists, it shall take account of all the circumstances and, in particular, the conditions and importance attaching to a possible use of the patent on the national territory.

Its decision shall determine the conditions under which the compulsory license shall be granted, particularly as regards duration, territorial scope, and, in the absence of agreement between the parties, the amount of royalties payable. Such conditions may subsequently, even in the case of agreement between the parties as to the amount of royalties, be subject to revision by the Tribunal, in accordance with the provisions of Article 37 and the present Article, at the request either of the registered owner of the patent or of the licensee.

Article 39

A compulsory license can only be non-exclusive. However, the patentee may not grant to other licensees conditions more favorable than those of the compulsory license.

Article 40

The decision of the Tribunal granting a compulsory license shall be notified by the Clerk (Greffier) to each of the parties

involved. The time allowed to the parties for filing an appeal to the Court of Appeal (Cour de ressort) shall run from such notification.

The Court shall investigate the case and give a decision in the manner prescribed by Article 37, above. Its decision may be referred to the Supreme Court (Cour suprême).

All decisions taken by the Tribunals, the Courts of Appeal, and the Supreme Court, in the matter of compulsory licenses shall be immediately notified by the Clerks to the Director of the African and Malagasy Industrial Property Office and recorded in the Special Register of Patents.

Article 41

The holder of a compulsory license shall not automatically be entitled to enjoy the benefits of certificates of addition pertaining to the patent; he may, however, in the absence of agreement between the parties, apply in the manner indicated above for the grant of a compulsory license in respect of a certificate of addition, even if the conditions as regards the periods provided for in Article 35 are not fulfilled, or if the certificate has been assigned by the registered owner of the patent, or if the registered owner of the patent uses it himself or has authorized its use by a third party.

Article 42

The holder of a compulsory license may bring an action for infringement, unless the registered owner of the patent or the other licensees object. Any such objection must be made within a period of one month after the licensee has informed the owner of the patent, by registered letter requesting acknowledgement of receipt, of his intention to bring such action.

Article 43

Every voluntary assignment, in whole or in part, with or without valuable consideration, of the rights under a compulsory license shall, under penalty of nullity, be subject to the authorization of the Tribunal which granted the license.

The registered owner of the patent shall be compulsorily summoned. Appeal may be made from the decision of the Tribunal, either by the applicants or by the registered owner of the patent.

The Tribunal and the Court of Appeal shall seek the advice of the Minister responsible for industrial property who shall, where necessary, consult the other Ministers concerned. The Minister responsible for industrial property may delegate a representative to submit his observations to the Court and the Tribunal.

Withdrawal of a compulsory license may be ordered, upon application by the patentee and without prejudice to any damages, by the Court of Summary Jurisdiction in cases where the provisions of Article 46 apply, and where the repressible acts are the consequence of an assignment of the compulsory license contrary to the provisions of this Article.

Article 44

If the holder of a compulsory license fails to satisfy the conditions under which the license has been granted, the Minister responsible for industrial property, the registered owner of the patent, the other licensees, and any other applicant for license, may file with the Tribunal which granted the compulsory license a petition seeking either the withdrawal of the license or a modification of the conditions under which it was granted.

The provisions of Article 37, above, shall be applicable.

If the petition does not emanate from the Minister responsible for industrial property, the Tribunal shall seek the latter's advice and he shall, where necessary, consult the other Ministers concerned. The Minister responsible for industrial property may delegate a representative to submit his observations to the Tribunal.

In its decision, the Tribunal shall, where necessary pronounce upon the reasons and arguments put forward by the licensee. If withdrawal of the license is ordered, the Tribunal may award damages to the registered owner of the patent or to any other interested party.

The decision of the Tribunal shall be notified to each of the parties involved and to the Minister responsible for industrial property.

Appeal may be filed by any of the parties. The Court of Appeal shall investigate the case and give a decision under the conditions provided for in Article 37, above. Its decision may be referred to the Supreme Court.

Article 45

Any action for nullity of a patent must be brought against the patentee. If a legal decision which has become final establishes the nullity of a patent, the holder of the compulsory license shall be freed from all obligations resulting from the decision granting him the compulsory license.

PART V

Infringement, Legal Proceedings
and Penalties

Article 46

Every violation of the rights of a patentee, either by the manufacture of goods or by the employment of means forming the subject of his patent, shall constitute the offense of infringement. Such offense shall be punishable by a fine of from 50,000 to 300,000 francs CFA (Communauté française Afrique).

Article 47

Any person who has knowingly received, sold or displayed for sale, or introduced into the national territory, one or more infringing articles shall be punishable by the same penalties as infringers.

Article 48

The penalties prescribed by this Annex may not be cumulative.

The highest penalty shall be imposed only for acts done prior to the first prosecution.

Article 49

In the case of recidivism, sentence shall further include imprisonment of from one to six months, in addition to the fine provided for in Articles 46 and 47.

Recidivism shall be deemed to have occurred when, during the five preceding years, the offender has already been convicted of one of the offenses specified in this Annex.

Imprisonment of from one to six months may also be ordered if the infringer is a worker or an employee who has worked in the workshops or in the establishment of the patentee, or if the infringer, having entered into partnership with a worker or an employee of the patentee, has obtained knowledge, through the latter, of the processes described in the patent.

In the latter case, the worker or employee may be prosecuted as an accomplice.

Article 50

The provisions of domestic laws relating to extenuating circumstances shall be applicable to the offenses specified in this Annex.

Article 51

Penal action for the application of the above penalties can be instituted by the Public Prosecutor only on complaint by the injured party.

Article 52

The Tribunal of Summary Jurisdiction to which an action for infringement is referred shall decide on the defenses of the accused, concerning either the nullity or forfeiture of the patent, or the ownership thereof.

Article 53

Acts done prior to the grant of a patent shall not be considered as having infringed the rights of the patentee and

cannot justify conviction, even in civil law, except, however, where the acts are subsequent to communication to the presumed infringer of an official copy of the description of the invention attached to the application for the patent.

Article 54

The registered owners of the patent may, in pursuance of an order by the President of the Civil Tribunal in whose jurisdiction the operations are to be carried out, proceed to a detailed designation and description of the allegedly infringing objects, with or without seizure thereof, by way of bailiffs, or public or ministerial officers, with the assistance, where necessary, of an expert.

The order shall be issued simply upon request and on presentation of the patent.

When there is ground for seizure, the said order may require the person seeking seizure to furnish security, which he shall be obliged to deposit before taking steps to effect such seizure.

Security will always be required from any foreigner seeking seizure.

The detainers of the articles described or seized shall be furnished with a copy of the order and, where applicable, of the document certifying that security has been furnished, under penalty of nullity and damages against the bailiff, or the public or ministerial officer.

Article 55

If the plaintiff fails to proceed, either by civil or penal action, within a period of one month, the seizure or description shall automatically become void, without prejudice to any damages that may be claimed.

Article 56

Confiscation of articles recognized as infringing and, where applicable, of instruments or tools intended specially for their manufacture, shall, even in the event of acquittal, be ordered against the infringer, receiver, introducer, or retailer.

The confiscated articles shall be handed over to the registered owner of the patent, without prejudice to more extensive compensation and the possible placarding of the judgement.

PART VI

Special and Transitional Provisions

Article 57

The Law of July 5, 1844, as amended, relating to patents, and Articles 3 and 4 of the Law of June 26, 1920, as well as the decrees applying the said Laws, shall be repealed as from the date of entry into force of this Annex.

Article 58

Nationals may claim the application in their favor of the provisions of the International Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as well as the provisions of Agreements, Additional Acts, and Final Protocols, which have modified or may hereafter modify the said Convention, in all cases where such provisions are more favorable than those of the present Annex for the protection of rights deriving from industrial property.

Article 59

Subject to the provisions of Article 60, rights arising from applications for patents and from patents currently in force on the national territory before the date of its accession to independence shall continue to produce their effect, after such date, in the said territory, under the provisions of this Annex, and in particular for the term of twenty years provided for in Article 4.

Contracts relating to assignment or to the grant of licenses shall continue to be operative during the extended term of the patent, unless the beneficiaries of such contracts declare their intention to renounce them by giving notice six months before the expiration of the term originally agreed.

In the absence of agreement between the parties, the tribunals shall decide the amounts and royalties to be paid for the period during which the rights of assignees and licensees are thus prolonged.

Article 60

Every owner of the rights mentioned in Article 59 shall, under penalty of forfeiture, file with the African and Malagasy Industrial Property Office, within a period of one year from the date of entry into force of this Annex, a declaration maintaining these rights in force, and shall pay a fee under conditions to be determined by the Office.

However, the owners of rights arising from applications filed on the national territory shall be exempt from the formalities and the fee provided for in the preceding paragraph.

Patents thus maintained shall give rise to the payment of the annual fees falling due under the provisions of Article 27.

Article 61

During a period of one year from the date of entry into force of this Annex, applications for patents may validly be filed, claiming the right of priority provided for in Article 4 of the International Convention for the Protection of Industrial Property of March 20, 1883, as revised, in respect of inventions, the subject of applications for patents or of granted patents, which have first been filed in one of the countries of the International Union not more than one year before the date of accession to independence.

Where more than one year has passed, the time which has elapsed between the two filings referred to in the preceding paragraph shall be deducted from the term of protection.

Article 62

Patents for which applications have been filed with the national Administration since the date of accession to independence shall be granted by the African and Malagasy Industrial Property Office, in accordance with the provisions of this Annex.

The annual fees which have fallen due may validly be paid within a period of one year from the date of entry into force of this Annex.

REGULATIONS CONCERNING PATENTS

The Governing Body of the African and Malagasy Industrial Property Office,

Considering the Agreement relating to the creation of the said Office signed at Libreville on September 13, 1962, and in particular Article 13 thereof which stipulates that the Governing Body shall "draw up the regulations necessary for the application of this Agreement and its Annexes";

Considering Article 24 which empowers the Office to determine the date of entry into force of the Annexes;

Considering Annex I of the Agreement relating to patents;

Considering Annex IV concerning miscellaneous provisions;

Hereby adopts the following Regulations:

Article 1

The application of Annex I of the above mentioned Agreement concerning patents shall be governed by the following provisions.

PART I

The Application

Article 2

(1) Applications for patents or for certificates of addition provided for in Articles 6 and 14, respectively, of Annex I referred to above shall be drawn up on the form prescribed by the Office.

(2) Applications shall be filed in four copies.

Article 3

(1) The application shall contain:

- (a) the name, first names, domicile, and nationality, of the applicant, or in the case of a legal entity, its name and headquarters;
- (b) where applicable, the name and address of the agent authorized to make the application and the date of the power of attorney referred to in Article 9, below;
- (c) the title of the invention, that is to say, a precise and succinct designation of the invention, to the exclusion of all fanciful appellations, names of persons, or designations capable of constituting a trademark or liable to be confused with a trademark;
- (d) where applicable, after the title, an indication of the name of the inventor, thus: "Invention of X...";
- (e) where applicable, particulars as to any claim for priority in respect of one or more earlier applications, in accordance with the provisions of Article 5 below;
- (f) where applicable, a request for deferment of the grant of the patent or the certificate of addition for one year, as provided in Article 6, below;
- (g) in the case of applications resulting from the division of an original application, the particulars prescribed in Article 26, below;
- (h) the amount of the application fee and the fee for publication transferred to the Office, the method of transfer, and the date and number of the payment voucher;
- (i) the list of items filed, indicating the number of pages of the description and the number of sheets of drawings as well as, where appropriate, any priority documents attached.

(2) The application shall be accompanied by:

- (a) the document attesting payment to the Office or the payment voucher for the application and publication fees;
- (b) the sealed envelope containing, in duplicate, the description of the invention, and the drawings;
- (c) where applicable, the power of attorney of the agent, together with the priority documents referred to in Article 5 below, and in Article 8 of Annex I.

(3) The application must be dated and signed by the applicant, or his agent if any. The signature shall be preceded by a note indicating whether it is that of the applicant or his agent and, in the case of a legal entity, by an indication of the functions of the person signing.

Article 4

(1) Any application filed by a woman who is married, widowed, or divorced, shall state her maiden name and first names, after the name of the husband, thus: Mrs. X , née Y

(2) When the application is filed by several persons jointly, the particulars prescribed by Article 3, paragraph 1(a), shall be furnished by each of them.

If no agent has been appointed, official communications shall, unless otherwise stated, be sent to the person first mentioned.

Article 5

(1) In the case of an application involving a claim for priority in respect of one or more earlier applications, the declaration provided for in Article 8 of Annex I referred to above may be made in the application.

(2) The authorization prescribed by the said Article 8(3) must be drawn up in the French language or, if drawn up in a foreign language, must be accompanied by a sworn translation. It shall be exempt from legalization, stamping, and registration. It may bear a date subsequent to the date of application, if not produced at the time of application.

Article 6

When, in accordance with Article 12, paragraph (1), of Annex I referred to above, the applicant desires that the grant of the patent or the certificate of addition should not take place until one year after the date of filing the application, he must so require, expressly and formally, in his application. This requirement shall be reproduced on the sealed envelope referred to in Article 10, below, and signed by the applicant, or his agent if any.

Article 7

The application for a certificate of addition shall contain, in addition to the particulars prescribed in Article 3, above, the number and date of the original application, as well as the name of the registered owner of the main patent.

Article 8

An applicant for a certificate of addition not yet granted, who wishes to convert his application into an application for a patent, shall deliver at the Office, or send by registered mail with a request for acknowledgement of receipt, a written declaration to that effect and the document attesting payment or the payment voucher for the prescribed fee.

The declaration shall indicate the date and number of the original application, as well as the title of the invention.

PART II

Power of Attorney of Agent
Sealed Envelope

Article 9

(1) The power of attorney of the agent, provided for in Article 3 and in Articles 31 and 44 of these Regulations, shall indicate the name, first names, and address, of the applicant or, in the case of a legal entity, its name and headquarters, as well as the name of the agent whose address the applicant has chosen for service.

The power of attorney shall be dated and signed by the applicant. In the case of a legal entity, it shall indicate the functions of the person signing.

In the case of the filing of an application claiming priority in respect of one or more earlier applications, the particulars required, in respect of the declaration, by Article 8 of Annex I referred to above shall be indicated on the power of attorney.

The requirement in respect of deferment for one year of the grant of a patent or a certificate of addition, referred to in Article 6, above, shall likewise be mentioned.

The power of attorney granted in connection with an application for a patent shall not confer upon the agent the right to withdraw the application.

Article 10

The sealed envelope containing, in duplicate, the description and drawings, annexed to every application for a patent or for a certificate of addition, in accordance with Article 6(4) of Annex I referred to above, shall bear an indication of the name and domicile of the applicant, the title of the invention, the documents enclosed and, where appropriate, the requirement that the grant be deferred for one year. It shall be signed by the applicant, or by his agent if any.

PART III

The Description

Article 11

The two copies of the description, one of which shall be the original and the other the duplicate, must be handwritten, typewritten, lithographed, or printed, in such a way as to be clearly legible, in dark indelible ink, on strong white paper, without headings, measuring from 27 to 31 centimeters from top to bottom and from 20 to 22 centimeters in width.

Article 12

In typewritten texts, double spacing must be employed. The lines shall be numbered in fives at the beginning of the line, the count recommencing from the number "5" placed before the fifth line of each page.

Article 13

To ensure authenticity, the various sheets of the description, assembled together in leaflets so that they can be separated and reassembled in such a way as to be easily read, shall be numbered from the first to the last sheet inclusive, in the top right-hand corner, in Arabic numerals.

Article 14

The heading of the description, worded in the form prescribed by the Office, shall indicate the name, first names, or designation, of the applicant or applicants, and shall repeat the title of the invention as it appears in the application. The title may be followed by an indication of the name of the inventor, in the same form as it appears in the application.

Article 15

(1) No drawing may appear in the text itself or in the margin of the description, apart from developed graphic, chemical, or mathematical formulae.

(2) Descriptions shall refer only to the figures of the drawings, without mentioning the sheets (planches).

(3) In the description, reference letters or numerals must follow each other in their normal order. The figures of drawings must be described in their normal order.

(4) If, in the course of the description, mention is made of earlier French or foreign patents, these must be designated by their final number and their country of origin. If the said patents have not yet been granted, they shall be designated by the date of filing of the application, by their provisional number, and, where appropriate, by any remarks accompanying the number, in particular, the name of the patentee and the country of origin.

Article 16

Indications of weights and measures shall be given in decimal units, indications of temperature in Celsius or Centigrade degrees, and density as specific weight. In the case of electrical units, the rules accepted in international practice must be followed, and in the case of chemical formulae, the symbols generally in use for elements, atomic weights, and molecular formulae, must be employed. Units which are not usual must be accompanied by a definition or a bibliographic reference.

Article 17

The description must not contain alterations or interlineations. Marginal references and canceled words must be initialled.

Article 18

Both copies of the description shall be signed by the applicant, or his agent if any, immediately after the summary provided for in Article 7, paragraph (3), of Annex I referred to above. One copy shall be marked "Original" and the other "Certified copy of the original" ("duplicata certifié conforme à l'original").

PART IV

The Drawings

Article 19

The original drawings mentioned in Article 6, item (4), of Annex I referred to above must be executed on white paper on a sheet of strong, flexible, non-glossy transparent material. The duplicate copy, exactly reproducing the original, must be executed on strong, smooth, non-glossy white paper. It may be a lithographic copy of good quality. If the original has been reproduced by a printing process, the other copy may be printed from the same block. Reproduction and printing processes which are not sufficiently reliable shall be prohibited.

Article 20

The size of each sheet shall be from 27 to 31 centimeters long by 21 or, in exceptional cases, 42 centimeters wide. A margin of at least 2 centimeters, indicated by a single line, must be left on all four sides of the sheet in such a manner that the drawings are contained within a frame.

The applicant may subdivide a single figure into several partial figures, each of which must be drawn on a sheet of the above dimensions. Connections between partial figures must be indicated by lines bearing reference letters or numerals. When the applicant avails himself of this possibility he must furnish, upon a sheet of the prescribed size, a figure showing the subject of the invention as a whole, upon which the connecting lines of the partial figures are traced.

Article 21

At the top of each sheet, and outside the frame, the following indications must be given: on the left, the words "Patent No."; in the middle, the name of each applicant; on the right, the serial number of each sheet and the number of sheets in Arabic numerals, e.g. "Sheet IV, 5."

If there is only one sheet, this must be marked "One sheet only" ("planche unique").

Article 22

(1) All parts of the drawings must be executed in accordance with the rules of linear design, in dark, if possible black, durable lines, without washes or colors, erasures, or interlineations. They must allow of clear reproduction by photography or of reproduction, without any intermediate steps, on a stereotype.

(2) Sectional views shall be indicated by oblique hatching, regularly and not too closely spaced, which must not prevent easy recognition of reference signs and marks.

Convex or concave surfaces may be shaded only by means of parallel horizontal or vertical lines, suitably spaced.

(3) The various figures shall be clearly separated from one another by a space of about one centimeter, and shall be arranged on as small a number of sheets as possible, and numbered consecutively by means of Arabic numerals, properly drawn and preceded by the abbreviation: "Fig."

When a figure is composed of several separate parts, these must be joined together by a bracket.

(4) All reference numerals, letters and signs appearing on drawings must be plain and clear, the letters and numerals being at least three millimeters in height. The various parts of the figures shall, to the extent required for an understanding of the description, be designated throughout by the same reference signs, agreeing with those in the description.

(5) A drawing must not contain any explanatory matter, apart from legends such as "water," "steam," "section A-B," "open," "closed," and in plans of electrical installations or those showing the stages in a process, sufficient wording to explain them.

Article 23

The scale of drawings, determined by the degree of complexity of the figures, must be such that a photographic reproduction, effected by means of a linear reduction of two-thirds, would enable all details to be distinguished without difficulty. When a scale is given on a drawing, it shall be drawn, and not indicated in writing.

Article 24

The signature of the applicant, or that of his agent if any, as well as the remark "Original" or "Duplicate," shall be affixed, outside the frame, at the foot of each sheet of the two copies of the drawings.

The drawings must not bear any date.

Article 25

Drawings shall be filed free from folds, breaks, or creases.

PART V

Division of Composite Applications

Article 26

(1) In the case of the division of an application in accordance with Article 13, paragraph (3), of Annex I referred to above, the formalities laid down by Articles 6, 7, 8, and 9, of the said Annex and by these Regulations must be complied with in respect of each divisional application within the prescribed period of six months.

(2) Each divisional application shall mention that it is a division of an original application, designated by its filing date and the number of the minute relating thereto.

(3) The description and drawings of each divisional application must contain, apart from the text and the figures extracted, respectively, from the description and the drawings annexed to the original application, only such phrases of reference, association, and explanation, as may be necessary for clarity.

The original application shall be put in order by eliminating all parts extraneous to the single subject to which it must relate, without any modifications or additions other than those arising from such limitation or from the requirements of style.

(4) The original description and the drawings annexed thereto shall be conserved, and may at all times be used for the making of true certified copies, in accordance with the provisions in force.

Article 27

The division of a composite application may be effected upon the justified request of the applicant, submitted prior to grant.

PART VI

Filing of the Application

Article 28

(1) When an application for a patent or for a certificate of addition is filed, in accordance with Article 3 of the

above-mentioned Agreement, with the Ministry responsible for industrial property in a member State, the Service concerned shall verify:

- that the application is drawn up on the form prescribed by the Office;
- that it contains the name and domicile of the applicant and the title of the invention;
- that it is accompanied by:
 - a sealed envelope;
 - the document attesting payment of the application and publication fees or the payment voucher for the said fees.

The Service shall draw up the minute relating to the filing of the application, in the manner prescribed by Article 9 of Annex I referred to above, only if the above requirements have been fulfilled.

(2) The minute shall be recorded on each copy of the application, in the manner prescribed by Article 9 of Annex I referred to above.

The Service shall indicate the day and hour of the filing of the application, as well as the serial number of the minute, and shall affix its signature and official stamp thereon.

The number of the minute shall be marked on the sealed envelope and on the documents accompanying the application.

(3) One copy shall be given or sent to the applicant, or to his agent if any, as a certificate of deposit; another copy shall be filed in the archives of the Ministry responsible for industrial property; the remaining two shall, within five days of the date of the minute, be transmitted to the Office by registered mail, at the expense of the applicant, together with the sealed envelope, and, where applicable, the power of attorney of the agent, the priority documents, and the payment voucher for the prescribed fees.

Article 29

(1) When an application for a patent or for a certificate of addition is filed directly with the Office, in accordance

with Article 3 of the above-mentioned Agreement, the Office shall proceed with the verification provided for in Article 28, above.

It shall draw up the minute relating to the filing of the application, only if the requirements referred to in the said Article have been fulfilled.

(2) The minute shall be recorded on each copy of the application, in the manner prescribed in Article 9 of Annex I referred to above and in Article 1 of Annex IV.

The Office shall indicate the day and hour of the filing of the application and the serial number of the minute, and shall affix its signature and official stamp thereon.

The serial number of the minute shall be marked on the sealed envelope and on the documents accompanying the application.

(3) One copy shall be given or sent to the applicant, or to his agent if any, as a certificate of deposit.

PART VII

Putting the Application in Order

Article 30

(1) One copy of descriptions and drawings which do not comply with the provisions of these Regulations shall be returned to the applicant, inviting him to make the necessary corrections in the manner prescribed by Article 13, paragraphs (4) and (5), of Annex I referred to above.

(2) No modification may be made to the content of the descriptions and drawings, under penalty of rejection.

(3) Corrections of purely technical errors must be authorized by the Office.

(4) One copy of the documents filed is kept in the archives of the Office, and shall serve to check whether the documents subsequently produced are in conformity.

PART VIII

Withdrawal

Article 31

(1) Any request for withdrawal of an application for a patent or for a certificate of addition, in pursuance of Article 13, paragraph (7), of Annex I referred to above must be made to the Office in writing.

It shall contain the particulars provided for under (a), (b), and (c), of Article 3, above, and shall indicate the date and number of the minute relating to the filing of the application.

(2) The request for withdrawal must include a declaration by the person making such request, indicating whether or not licenses for use or mortgage rights in respect of the application for a patent or a certificate of addition have been granted. Where such rights have been granted, withdrawal may be effected only with the written consent of the licensee or mortgagee.

(3) When the request for withdrawal is made by an agent, it must be accompanied by a special authorization of withdrawal signed by the applicant or applicants and marked "Approved for withdrawal" ("Bon pour pouvoir de retrait").

(4) An assignee may withdraw an application for a patent or for a certificate of addition in respect of which he has acquired rights, only with the written authorization of the assignor.

(5) If an application for a patent has been divided, the applicant cannot withdraw the original application, which has been converted into an initial divisional application unless, at the same time, he withdraws all the other divisional applications filed.

(6) In the event of the documents filed being returned, the Office shall keep in its archives a copy of the description and drawings.

PART IX

Grant, Classification and Printing of Patents
Official Copies

Article 32

(1) The applicant, or his agent if any, shall be notified, without delay, of the signature of the decision, set out in the form of an order (arrêté), constituting the grant of the patent. Such notification shall indicate the date of the decision, the number given to the patent, and the title of the invention. A similar procedure shall be followed in respect of certificates of addition.

(2) In the case of an assignment being entered in the Special Register of Patents (Registre spécial des Brevets) before the grant of the patent, the latter shall be issued in the name of the assignee, at his request and with the agreement of the assignor. However, the name of the assignor shall be mentioned in the documents relating to the patent.

Article 33

Patents and certificates of addition which have been granted shall be grouped into sections, sub-sections, and classes, in the manner prescribed in Annex E of these Regulations.

Article 34

The Office shall publish the grant and cause the description and drawings to be printed.

A duplicate of the order, together with a copy of the printed leaflet containing the above items, shall be sent to the applicant, or to his agent if any.

Article 35

(1) The applicant may be authorized to correct, between the date of grant and the end of a period of six months from the date of dispatch of the duplicate of the order and the

printed leaflet, any material errors in the documents filed. The request for correction shall entail an undertaking on his part to meet the cost of publication of an erratum in the said printed leaflet.

(2) The applicant may also, within the same period of six months, point out to the Office any errors or inaccuracies which may have occurred in the printing of the description or the drawings. Once this period is over, no complaints shall be considered.

Article 36

(1) The applicant, or his agent authorized in respect of the application, or any other person expressly authorized, may, in accordance with Article 22, paragraph (4), of Annex I referred to above, obtain an official copy of the items filed in support of the application for a patent or for a certificate of addition, as soon as the application has been recognized by the Office as being in order.

The applicant or his agent may, after rejection of an application for a patent or its withdrawal, obtain an official copy of the items filed.

(2) The official copies referred to above shall be prepared in accordance with the text of the description and the drawings originally filed. They shall mention, together with their dates, any corrections made after filing and shall indicate, where appropriate, whether the application has been withdrawn or rejected.

(3) Official copies, which may be obtained by third parties after publication of the grant, in accordance with Article 22, paragraph (2), of Annex I referred to above, shall be prepared in accordance with the text of the description and drawings as granted or, if the parties so request, with the text and drawings as filed.

PART X

Special Register of Patents

Article 37

The Special Register of Patents set up under Article 20 of Annex I referred to above shall mention, in respect of each

patent, the name, first names, domicile, and nationality, of the registered owner and, where applicable, of his agent, the title of the invention, the date of filing the application for a patent, the date and number of the grant of the patent, and the date of delivery or dispatch of the official certificate, the certificates of addition relating to the patent, together with their numbers and dates, the date of payment of each annual fee and, where applicable, of surcharges, acts registered pursuant to the said Article 20 and, in general, all particulars and notifications relating to the ownership of the patent.

Article 38

Requests for entries or cancellations in the Register shall be handed in at the Office or sent to it by registered mail with a request for acknowledgement of receipt. They shall state the name, first names or title, and domicile or headquarters, of the applicant, or of his agent (if any) who is authorized to make the request, as well as the amount of the fees transferred to the Office, the method of transfer, and the date and number of the payment voucher.

They shall be accompanied by the documents provided for in Articles 39 and 40, below, and, where applicable, by the payment voucher for the prescribed fees.

Article 39

(1) Any entry concerning the acts referred to in Article 19 of Annex I referred to above shall be effected after a duly registered, original copy of the act has been filed, if it bears only the signatures of the parties (without legalization) or of an official copy (expédition) thereof, if authentic, and, in the event of transfer by way of succession, of an affidavit or inventory.

(2) Entries concerning mortgaged patents shall be cancelled once either a duly registered, original copy of the cancellation of the mortgage, or an official copy of the final court decision, has been filed.

Article 40

Every request for entries or cancellations in the Register shall be accompanied by two data sheets drawn up on the

form prescribed by the Office. They shall indicate:

- (1) the name, first names, profession, and domicile, of the assignor, de cujus or creditor, and of the assignee, licensee, heir, successor, or debtor;
- (2) the date and number of the minute relating to the filing of the application for a patent, the title of the invention, and the number of the grant of the patent;
- (3) the nature and scope of the right transferred or licensed, and the duration thereof;
- (4) the date and nature of the act establishing the transfer of ownership, licensing or termination of the right, or the date of decease entailing change of ownership;
- (5) where applicable, the amount of the debt indicated in the act, and the conditions relating to interest and the date when payment of the debt is due.

The particulars given in the data sheets shall be certified by the parties as being in conformity with the contents of the act in question.

Entries or cancellations in the Special Register of Patents shall be effected in accordance with the particulars given in the data sheets.

One of the data sheets and a copy of the act shall be kept in the archives of the Office. The other data sheet shall be returned to the applicant, with the registration noted thereon.

Article 41

Every change in the addresses of registered owners, assignees, or licensees, of patents shall be recorded in the Special Register of Patents, at the request of the interested parties.

Article 42

The Office shall issue, to all who so require, either a certified copy of the entries made in the Special Register

of Patents, or a copy of the subsisting entries in respect of mortgaged patents, or a certificate to the effect that no such entry exists.

The Office shall likewise issue extracts concerning either the addresses of registered owners of patents or of assignees or licensees, or the position as regards the payment of annual fees.

PART XI

Miscellaneous and Transitional Provisions

Article 43

The terms provided for in Annex I referred to above and in these Regulations shall run from the first day of the term to the last.

Where the last day of the term is a legal holiday or a day on which the Office is closed, the term shall be extended until the next succeeding working day.

Article 44

(1) Four copies of the declaration maintaining a patent or a certificate of addition in force, provided for in Article 60 of Annex I referred to above, shall be handed in at the Office or sent to it by registered mail with a request for acknowledgement of receipt.

(2) The declaration shall be drawn up on the form prescribed by the Office. It shall be dated and signed by the applicant or his successor in title, or by his agent if any. It shall indicate:

- (a) the name, first names, and domicile, of the registered owner of the patent, or, in the case of a legal entity, its name and headquarters;
- (b) where applicable, the name and address of the agent authorized to request maintenance in force;

- (c) the place, date, and number, of the minute relating to the filing of the application for a patent or for a certificate of addition;
- (d) the date and number of the grant of the patent or certificate of addition, and the date and number of the official bulletin in which it was published;
- (e) the title of the invention;
- (f) the amount of the maintenance fee transferred to the Office, the method of transfer, and the date and number of the payment voucher.

(3) The declaration shall be accompanied by:

- the printed leaflet, certified as being in conformity, or by an official copy of the patent or certificate of addition;
- where the patent or certificate of addition has been the subject of transfer, by a copy of the entries made in the Special Register of Patents kept by the Administration which issued the certificate;
- a statement of the payment of annual fees, issued by the said Administration;
- where appropriate, the power of attorney of the agent;
- where applicable, the payment voucher for the maintenance fee.

Article 45

(1) The Office shall register the declaration after establishing that it is in order as to form and that the prescribed fee has been paid, and shall publish a notice thereof.

(2) It shall return to the declarant a copy of the declaration, with the registration noted thereon.

Article 46

If the formalities have not been complied with, or if all or part of the fees have not been paid, a period of two months

shall be allowed to the declarant to put matters in order. This period may be extended upon request, if the request is justified.

If matters are not put in order within the period allowed, the declaration shall be rejected.

Article 47

The owners of rights who are exempt, pursuant to paragraph (2) of Article 60 of Annex I referred to above, from the formalities and fee prescribed by paragraph (1) of the said Article must, when paying for the first time an annual fee to the Office or causing an entry to be made in the Special Register of Patents, furnish the particulars provided for in Article 44, paragraph (2), above, with the exception of those required by subparagraph (f), together with the documents mentioned in paragraph (3) of the said Article.

Article 48

The Administrations with which the applications mentioned in Article 62 of Annex I referred to above have been filed shall transmit them to the Office in the form in which they were filed under the legislation in force at the time of filing.

The Office shall grant and publish the patents or certificates of addition after the applications have been put in order in the manner prescribed by Article 13 of the said Annex, and after payment of the required fees.

Article 49

The date of entry into force of these Regulations and of Annex I of the above-mentioned Agreement shall be fixed by decision of the Governing Body (Conseil d'Administration) of the Office, represented by its President.

The period of one year provided for in Articles 60, 61, and 62, of the said Annex shall run with effect from that date.

Done at Yaoundé on July 20, 1963

A N N E X E S

- ANNEX A - Application form for a patent or certificate of addition (B. 101, size 21 x 31 cm.)
- ANNEX B - Declaration form for maintenance in force of a patent or certificate of addition (B. 102, size 21 x 31 cm.)
- ANNEX C - Specimen heading of description for a patent
- ANNEX D - Specimen heading of description for a certificate of addition
- ANNEX E - Classification of patents

AFRICAN & MALAGASY INDUSTRIAL
Property Office
P.O. Box 887
YACOUNDE (CAMEROON)

B. 101

APPLICATION FOR PATENT
OR CERTIFICATE OF ADDITION (1) (2)

(Agreement of Libreville of September 13, 1962 - Annex I)

1. AGENT Name and address:
.....
.....
*Date of power of attorney:
2. APPLICANT - Name, first names (designation), domicile
.....
*Nationality:
3. PURPOSE of application⁽²⁾: #Patent *Certificate of addition to Patent
No.
filed on: in the name of:
.....
*Divisional application⁽³⁾ in respect of initial application filed
on
under No.
4. TITLE OF INVENTION
5. The undersigned hereby files the above-mentioned application in
accordance with the provisions of Annex I of the Agreement of Libre-
ville of September 13, 1962. He declares that the sealed envelope
attached contains two copies of the description and two copies of
..... sheets of drawings. He claims⁽²⁾:
 (a) deferment of the grant of his patent for one year;
 (b) priority for applications for a patent
 utility models ⁽²⁾
 filed on
 in
 in the name of

Done at on

Signature and seal:

Payment of Annual Fees				Entries in Special Register
No.	Date	Amount	Surcharge	
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

- (1) Applications for patents or certificates of addition must be handed in or sent by registered mail with a request for acknowledgement of receipt, in four copies, to the African and Malagasy Industrial Property Office (OAMPI), P.O. Box 887, YAOUNDE (Cameroon)
- (2) Delete where inapplicable.
- (3) Give, where necessary, all particulars regarding division on reverse of this sheet under 8: "Sundry particulars".

N.B. Do not fold the form.

AFRICAN AND MALAGASY INDUSTRIAL
PROPERTY OFFICE
P.O. Box 887
(YAOUNDE) CAMEROON

B. 102

DECLARATION OF MAINTENANCE IN FORCE OF PATENT
OR CERTIFICATE OF ADDITION (1) (2)

(Agreement of Libreville of September 13, 1962 - Annex I)

1. AGENT - Name and address

 *Date of power of attorney
2. REGISTERED OWNER - Name, first names (designation), domicile

 *Nationality
3. PURPOSE of declaration(2): *Patent applied for
 on at under the No.
 issued at under the No. and published at the
 Industrial Property Office on
 *Certificate of addition applied for on
 at under the No issued at
 under the No. and published at the Industrial Prop-
 erty Office on (Main patent No.
 applied for on at).
4. TITLE OF INVENTION
5. The undersigned hereby declares his intention to maintain in force
 the above-mentioned patent-certificate of addition(2) in accord-
 ance with Articles 59 and 60 of Annex I of the Agreement of
 Libreville of September 13, 1962.
 Done at on

Signature and seal:

6. DOCUMENTS FILED

- | | |
|--------------------------------------------------------------------------------|-------|
| 1. Declaration | 1 |
| 2. Power of attorney (where applicable) | 1 |
| 3. Payment voucher or document attesting payment of fees | 1 |
| 4. Printed leaflet or official copy | 1 |
| 5. Statement of annual fee payments | 1 |
| 6. Copy of entries in the Special Register of Patents (where applicable) | _____ |

=====

Space reserved for OAMPI

REGISTRATION

The declaration of maintenance in force of the above-mentioned patent-certificate of addition(2) has been registered at OAMPI under the No.

Signature:

=====

7. PAYMENT OF FEES to OAMPI (* In cash to OAMPI *C.C.P. Douala
38-16 *Société Camerounaise de Banque - Account No. 31-75074):

*Date:

*Method of Payment _____ Cash _____ Postal order _____ Postal
transfer
_____ Bank cheque _____ Bank transfer

*No. of payment voucher:

Amount paidCFA francs

8. Sundry particulars:

Payment of Annual Fees				Entries in Special Register
No.	Date	Amount	Surcharge	
1.				
2.				
3.				
4.				
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19.				
20.				

(1) Declarations of maintenance in force must be handed in or sent by registered mail with a request for acknowledgement of receipt, in four copies, to the African and Malagasy Industrial Property Office (OAMPI), P.O. Box 887, YAOUNDE (Cameroon)

(2) Delete where inapplicable.

N.B. Do not fold the form.

A N N E X C

SPECIMEN HEADING OF DESCRIPTION FOR A PATENT

(Leave a space of 8 cm.)

PATENT.

.....
(Indicate title of invention.)

.....
(Indicate names and first names of
applicant or applicants.)

(Begin description here.)

NOTE - 1. At the end of the description the applicant must add, after his signature, his name and first names legibly written, and his address (street, No., town, country) if he wishes this to appear on the printed leaflets of the patent.

2. The agent must insert, before his signature, the words "By procuration of Mr. X.....", and his signature must be followed by his name and address, legibly written.

A N N E X D

SPECIMEN HEADING OF DESCRIPTION
FOR A CERTIFICATE OF ADDITION

(Leave a space of 8 cm.)

... ADDITION(1)

.....
(Indicate exact title of invention
as mentioned on patent.)

.....
(Names and first names
of applicant or applicants.)

to patent taken out on (date of filing patent)
applied for on (date of filing addition)

(Begin description here.)

NOTE. 1 - Indicate exactly the numerical order of the addition,
i.e., 1st, 2nd, or 3rd, etc.

2 - In the case of assignment of patent or grant of license
for use, the heading of the addition must be worded as follows:

... Addition

.....
(Give exact title of invention as mentioned on patent.)
..... (Names and first names of applicant or applicants,
assignee or holder of license for use)
to patent taken out on applied for on
(date of filing patent) by
(name of registered owner of patent)
(date of filing addition).

A N N E X E

CLASSIFICATION OF PATENTS FOR INVENTION

CLASS HEADINGS

Section A -- HUMAN NECESSITIES

CLASSES

Agriculture

A 01 Agriculture; Forestry; Animal husbandry; Hunting; Trapping; Fishing.

Foodstuffs

A 21 Baking; Edible doughs.
A 22 Butchering; Meat treatment.
A 23 Foodstuffs and their treatment not included in other classes.
A 24 Tobacco; Cigars; Cigarettes; Smokers' requisites.

Apparel

A 41 Wearing apparel.
A 42 Headwear.
A 43 Footwear.
A 44 Haberdashery; Jewellery.
A 45 Hand and travelling articles.
A 46 Brushware.
A 47 Furniture; Household articles and appliances (ladders A 64).

Medicine and Hygiene

A 61 Medical and veterinary science; Hygiene.
A 62 Life-saving; Fire-fighting (ladders A 64).
A 63 Sports; Games; Amusements.
A 64 Ladders (ship ladders B 63 b; ladders for aircraft B 64 d; scaffolding E 04 g).

Section B -- PERFORMING OPERATIONS

CLASSES

Separating and Mixing

- B 01 Physical and chemical processes and apparatus (general).
- B 02 Milling grain; Preparatory treatment of grain for milling; Crushing; Disintegrating; Pulverising; Sifting.
- B 03 Washing and separating of ores, fuels, garbage, ashes and slag.
- B 04 Centrifuges.
- B 05 Spraying and atomising in general; Spreading liquids on surfaces in general.
- B 06 Methods and apparatus for generating and/or transmitting mechanical vibrations of subsonic, sonic or supersonic frequency for performing mechanical work for general use (generation of electrical oscillations H 03 b).

Shaping

- B 21 Sheet metal; Metal tubes; Wire.
- B 22 Metal casting.
- B 23 Mechanical working of metal; Working of other materials by the same machines.
- B 24 Grinding; Polishing.
- B 25 Hand tools; Pneumatic tools.
- B 26 Hand cutting tools and thrusting weapons; Cutting machines and devices not specially adapted for particular materials or purposes.
- B 27 Working and preserving wood and similar material.
- B 28 Working cement, clay and stone; Clay and briquette presses.
- B 29 Working (mechanical part) plastic materials, rubber and horn-like substances, not otherwise provided for.
- B 30 Presses.
- B 31 Making paper articles; Working paper.

Printing

- B 41 Printing; Lining machines; Typewriters; Stamps.
- B 42 Bookbinding; Albums; Files; Special printed matter.
- B 43 Writing and drawing appliances.
- B 44 Sculpture; Painting; Decorative art.

Transporting

- B 61 Railways.
- B 62 Rail-less vehicles.
- B 63 Ships; Shipbuilding; Shipping.
- B 64 Aircraft; Aviation; Astronautics.
- B 65 Conveying; Packing; Storing.
- B 66 Hoisting (lifting devices).
- B 67 Liquid handling.
- B 68 Saddlery; Upholstery.

Section C -- CHEMISTRY AND METALLURGY

CLASSES

Chemistry

- C 01 Inorganic chemistry.
- C 02 Water; Treating water, waste water and sewage (distilling, filtering, separating B 01).
- C 03 Glass; Mineral and slag wool.
- C 04 Cements; Mortars; Ceramics; Artificial stone; Treatment of stone (chemical part); Sound and/or thermal insulating materials (chemical part); Kilns.
- C 05 Manufacture of fertilisers.
- C 06 Explosives; Matches.
- C 07 Organic chemistry (such compounds as the oxides, sulphides and oxy-sulphides of carbon, cyanogen, phosgene, hydrocyanic acid and salts thereof C 01; dyes C 09; macromolecular compounds C 08; fermentation products C 12).
- C 08 Macromolecular compounds, including their preparation and chemical working-up; Compositions based thereon (production of artificial threads, fibres, bristles and ribbons D 01).
- C 09 Dyes; Paints; Polishes; Natural resins; Adhesives; Miscellaneous substances and compositions.
- C 10 Fuels; Lubricants; Bitumen.
- C 11 Animal and vegetable oils, fats, fatty substances and waxes; Fatty acids therefrom; Detergents; Candles.
- C 12 Fermentation industry; Beer; Spirits; Wine; Vinegar; Yeast.
- C 13 Sugars; Starches; Like carbohydrates.
- C 14 Skins; Hides; Pelts; Leather.

Metallurgy

- C 21 Metallurgy of iron.
- C 22 Metallurgy (non-ferrous); Alloys, including ferrous alloys.
- C 23 Working and treatment of metals, other than by mechanical means.

Section D - TEXTILES AND PAPER

CLASSES

Textiles

- D 01 Natural and artificial threads and fibres (glass fibres, mineral wool, slag wool C 03; metal threads B 21).
- D 02 Spinning.
- D 03 Weaving.
- D 04 Braiding; Lace-making; Machine knitting; Trimmings; Non-woven fabrics.
- D 05 Sewing; Embroidery.
- D 06 Bleaching, washing, dyeing, finishing and printing of textiles; Dyeing and bleaching of leather; Bed feathers; Wallpaper; Floor coverings.
- D 07 Ropes; Cables (non-electric).

Paper

- D 21 Paper making; Production of cellulose.

Section E - FIXED CONSTRUCTIONS

CLASSES

Building

- E 01 Constructions of roads, railways and bridges.
- E 02 Hydraulic engineering; Foundations.
- E 03 Water supply; Sewerage.
- E 04 Building.
- E 05 Locks; Keys; Window and door fittings; Safes.

Mining

F 21 Mining.

Section F : MECHANICS, LIGHTING AND HEATING

CLASSES

Engines

- F 01 Steam engines; Steam accumulators.
- F 02 Internal combustion engines; Air and special vapour engines; Spring and weight motors.
- F 03 Wind and water motors.
- F 04 Compressors; Blowers; Air pumps.
- F 05 Pumps; Other apparatus for lifting liquids.
- F 06 Engineering elements and units; General measures for producing and maintaining effective functioning of machines or installations.
- F 07 Arms; Ammunition.

Lighting and Heating

- F 21 Lighting; Distribution and utilisation of gas.
- F 22 Steam generation.
- F 23 Furnaces and related features.
- F 24 Heating and ventilating plants in buildings.
- F 25 Refrigeration; Manufacture and storage of ice; Heat exchange; Liquefying gases not readily condensed by mechanical means.
- F 26 Drying; Drying plants; Kilns; Coffee roasters.

Section G - PHYSICS

CLASSES

Instruments

- G 01 Measuring.
- G 02 Optics.
- G 03 Photography; Cinematography.

- G 04 Horology.
- G 05 Regulating; Controlling.
- G 06 Calculating; Accounting.
- G 07 Checking devices.
- G 08 Signalling.
- G 09 Education; Advertising.
- G 10 Musical instruments; Acoustics.

Nucleonics

- G 21 Nucleonics.

Section H -- ELECTRICITY

CLASSES

Electricity

- H 01 Electrotechnical elements.
- H 02 Generation, conversion and distribution of electric power.
- H 03 Electric oscillation and pulse technique.
- H 04 Electric communication technique.
- H 05 Special electrical techniques.

A N N E X II

TRADEMARKS

PART I

General Provisions

Article 1

A trademark shall be optional.

However, decrees may, as a matter of exception, declare it to be obligatory in respect of such products as they may specify.

Article 2

Surnames used in their original or in a distinctive form, special, arbitrary or fanciful names, the characteristic form of a product or of its container, labels, envelopes, emblems, prints, stamps, seals, vignettes, selvages, borders and edgings, combinations or arrangements of colors, drawings, reliefs, letters, figures, devices, pseudonyms, and, in general, all material signs serving to distinguish the goods or articles of an enterprise, shall be considered to be trademarks.

The use of a surname as a mark by a person of the same name shall not constitute an infringement of the rights of the registered owner of the mark if such use takes place in a manner and under conditions of such a nature as to avoid any risk of confusion.

Article 3

Signs the use of which would be contrary to public order, morality, or law, as well as the signs excluded by Article 6ter of the Paris Convention of March 20, 1883, as revised, may not constitute marks or form part thereof.

Article 4

Foreigners shall enjoy the benefit of this Annex by complying with the formalities which it prescribes.

Article 5

Subject to the following reservations, the mark shall belong to the person who is the first to have used it or to have filed an application for its registration.

No person may claim exclusive ownership of a mark by taking such action as is provided for in this Annex unless he has filed an application to register it under the conditions prescribed by Article 8 below.

When a duly registered mark has been publicly used in a continuous manner on the national territory for at least three years without having given rise to legal actions which are acknowledged to be well founded, the right to ownership of the mark vested in the person who has first applied for the registration may no longer be contested on the ground of prior use, unless it can be established that, at the time of filing the application, the applicant could not have been unaware of the mark of the first user.

A first user who has not taken legal action to establish his claim under the conditions provided for in the preceding paragraph shall cease to use the mark at the latest five years after being served out of court with a formal notice at the request of the applicant.

Article 6

The registered owner of a mark which is well known, within the meaning of Article 6bis of the International Convention for the Protection of Industrial Property signed at Paris on March 20, 1883, as revised, may bring forward a claim for annulment of the effects, on the national territory, of the registration of a mark liable to create confusion with his own mark. Such action cannot be brought after the expiration of a period of five years from the date of registration, where registration has been effected in good faith.

Article 7

Use can be proved only by writings, printed papers, or documents, contemporary with the facts relating to use which they purport to establish.

PART II

Application, Registration, and Publication

Article 8

Any person who wishes to apply for registration of a mark shall file with the Clerk (greffe) of the Civil Tribunal of his place of domicile:

- (1) an application for registration addressed to the Director of the African and Malagasy Industrial Property Office;
- (2) an unstamped, signed power of attorney, if the applicant is represented by an agent;
- (3) a specimen of the mark, enumerating the goods to which it is applied and the corresponding classes of the classification in force.

Four copies of the specimen of the mark shall be filed, of which one shall be marked "Original" by the applicant.

Every copy shall be signed by the applicant or his agent;

- (4) a printing block of the mark.

The right of priority attaching to an earlier application must be claimed at the time of applying for registration of the mark or, at the latest, within the two ensuing months. In the latter case, the claim must be addressed direct to the African and Malagasy Industrial Property Office. Any claim reaching the Office more than two months after the filing of the application for registration of the mark shall be declared unacceptable.

Article 9

The application for registration of a mark shall give rise to the payment of an application fee and a fee in respect of each class of goods beyond the third.

Article 10

A minute drawn up by the Clerk (greffier) shall record each application filed, setting out the day and hour of the filing of the documents.

An official copy of the minute shall be given to the applicant.

The Clerk shall transmit the documents to the African and Malagasy Industrial Property Office, within five days of the date of filing.

Article 11

The Office, after establishing that the mark is not contrary to the provisions of Article 3, that the application has been validly made, and that the prescribed fees have been paid, shall proceed with the registration and publication of the mark.

The legal date of registration shall be the date of filing the application.

The original copy of the specimen of the mark shall determine the scope of the mark. It shall be inserted in the Special Register of Marks (Registre Spécial des Marques) provided for in Article 18.

The Office shall return to the applicant a copy of the specimen of the mark, with the registration noted thereon.

Article 12

Every application which fails to satisfy the requirements of Article 3 shall be rejected.

If the formalities have not been complied with, or if all or part of the prescribed fees have not been paid, a period of two months shall be allowed to the applicant to put his application in order. This period may be extended upon the request of the applicant or his agent, if the request is justified. In the event of failure to put the application in order within the period allowed, the said application shall be rejected.

Rejection shall be ordered by the Director of the African and Malagasy Industrial Property Office.

No application may be rejected without first asking for the observations of the applicant or his agent.

Article 13

Registration of a mark shall be effective for twenty years only, but ownership of the mark may be retained indefinitely by means of successive registrations.

No person other than the original owner, or, failing him, his successors in title or any person authorized by him, may, within a period of three years from the legal date of termination of the effects of the registration of a mark, validly register such mark.

Article 14

The registered owner of a mark may, by means of a declaration addressed to the African and Malagasy Industrial Property Office by registered mail, with a request for acknowledgement of receipt, renounce the benefits of such registration in respect of all or part of the goods to which the mark is applied. Renunciation shall be recorded in the Special Register of Marks and shall be published. It shall take effect from the day on which it is recorded at the Office.

PART III

Nullity

Article 15

Marks which are devoid of any distinctive character, in particular because they consist exclusively of signs or indications forming the essential or generic name of goods, as well as marks filed which comprise indications capable of deceiving the public or signs such as those prohibited by Article 3, shall be null and void.

Article 16

Annulment of the effects on the national territory of the registration of a mark shall be declared by the Civil Tribunal at the request either of the Public Prosecutor (Ministère public) or of any interested person or trade association.

PART IV

Transfer and Assignment of Marks

Article 17

The rights attaching to a mark shall be transferable in whole or in part, either separately or jointly with the enterprise.

Acts concerning transfer of ownership, licensing or termination of the right of use, mortgage, or cancellation of mortgage, shall, under penalty of nullity, be drawn up in writing.

Transfers of ownership and licensing of the right of use may be effected in respect of all or part of the goods to which the mark is applied. Only licenses in respect of the right of use may be limited as to their validity on the national territory.

Article 18

The acts referred to in the preceding Article shall be enforceable against third parties only if they have been recorded in the Special Register of Marks maintained at the African and Malagasy Industrial Property Office. A copy of the acts shall be kept in the archives of that Office.

The Office shall furnish to any person so requesting a copy of the entries made in the Special Register of Marks, particulars of existing entries in respect of mortgaged marks, or a certificate to the effect that no such entry exists, as well as identity certificates reproducing the information given on the original copy of the specimen of the mark.

Article 19

Every final judicial decision annulling the effects, on the national territory, of the registration of a mark shall, upon notification by the Clerk to the African and Malagasy Industrial Property Office, be entered in the Special Register of Marks and be the subject of a notice published by the said Office.

PART V

Penalties

Article 20

The following shall be punishable by a fine of from 50,000 to 300,000 francs CFA (Communauté française Afrique), and by imprisonment of from three months to three years, or by one of these penalties only:

- (1) persons who have infringed a mark or who have made use of an infringing mark;
- (2) persons who have fraudulently applied to their goods, or to the articles in which they trade, a mark belonging to others;
- (3) persons who have knowingly sold or placed on sale one or more goods bearing an infringing mark or a mark fraudulently applied.

Article 21

The following shall be punishable by a fine of from 50,000 to 150,000 francs CFA and by imprisonment of from one month to one year, or by one of these penalties only:

- (1) persons who, without infringing a mark, have made a fraudulent imitation of it of such a nature as to deceive the purchaser, or who have made use of a mark which is a fraudulent imitation;
- (2) persons who have made use of a mark bearing indications capable of misleading the purchaser as to the nature of the goods;
- (3) persons who have knowingly sold or placed on sale one or more goods bearing a mark which is a fraudulent imitation or bearing indications capable of misleading the purchaser as to the nature of the goods.

Article 22

The following shall be punishable by a fine of from 50,000 to 100,000 francs CFA and by imprisonment of from fifteen days to six months, or by one of these penalties only:

- (1) persons who have not applied to their goods a mark which has been declared obligatory;
- (2) persons who have sold or placed on sale one or more goods which do not bear the mark which has been declared obligatory for that particular kind of goods;
- (3) persons who have contravened the provisions of the decrees issued in pursuance of Article 1 of this Annex.

Article 23

The penalties prescribed by this Annex may not be cumulative.

The highest penalty shall be imposed only for acts done prior to the first prosecution.

Article 24

The penalties prescribed by Articles 20, 21, and 22, may be doubled in the event of recidivism.

Recidivism shall be deemed to have occurred when, in the course of the five preceding years, the offender has been convicted of one of the offenses specified in this Annex.

Article 25

The provisions of domestic laws relating to extenuating circumstances shall be applicable to the offenses specified in this Annex.

Article 26

Offenders may, further, be deprived of the right to take part in elections to the Chambers of Commerce and Industry and to the Chambers of Agriculture, for a period not exceeding ten years.

The Tribunal may order the judgment to be placarded in such places as it may determine, and to be inserted, in full or in part, in such newspapers as it may designate, at the expense of the person condemned.

Article 27

Confiscation of goods bearing a mark recognized as contravening the provisions of Articles 20 and 21 may, even in the event of acquittal, be ordered by the Tribunal; as well as confiscation of instruments and tools which have specially served to commit the offense.

The Tribunal may order the confiscated goods to be handed over to the registered owner of the mark which has been infringed or fraudulently applied or imitated, independently of more extensive compensation, where appropriate.

It shall, in all cases, order the destruction of marks recognized as contravening the provisions of Articles 20 and 21.

Article 28

In the cases provided for by the first two paragraphs of Article 22, the Tribunal shall always order that marks declared to be obligatory shall be applied to the goods to which they relate.

The Tribunal may require the goods to be confiscated if, during the five preceding years, the offender has been convicted of one of the offenses provided for by the first two paragraphs of Article 22.

PART VI

Jurisdiction

Article 29

Civil actions relating to marks shall be brought before the Civil Tribunal and judged as summary matters.

If, in the case of a penal action, the accused raises in his defense questions concerning the ownership of the mark, the Tribunal of Summary Jurisdiction shall decide on this defense.

Article 30

The registered owner of a trademark may proceed to a detailed description of the goods which he alleges are marked to his detriment and in contravention of the provisions of this Annex, with or without seizure thereof, by way of bailiffs, or public or ministerial officers, with the assistance of an expert, where necessary, in pursuance of an order by the President of the Civil Tribunal in whose jurisdiction the operations are to be carried out.

The order shall be made simply upon request and on presentation of evidence that the mark has been registered.

When seizure is requested, the judge may require the person seeking seizure to furnish security, which he shall be obliged to deposit before taking steps to effect such seizure. Security will always be required of any foreigner seeking seizure.

The detainers of the articles described or seized shall be furnished with a copy of the order and, where applicable, of the document certifying that security has been furnished, under penalty of nullity and damages against the bailiff, or the public or ministerial officer.

Article 31

If the plaintiff fails to proceed, either by civil or penal action, within a period of one month, the description or seizure shall automatically become void, without prejudice to any damages that may be claimed.

PART VII

Special and Transitional Provisions

Article 32

The Law of June 23, 1857, as amended, relating to trademarks, and Articles 1 and 2 of the Law of June 26, 1920, as well as the decrees applying the said Laws, shall be repealed, as from the date of entry into force of this Annex.

Article 33

Nationals may claim the application in their favor of the provisions of the International Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as well as the provisions of Agreements, Additional Acts, and Final Protocols, which have modified or may hereafter modify the said Convention, in all cases where such provisions are more favorable than those of the present Annex for the protection of rights deriving from industrial property.

Article 34

Subject to the provisions of Article 35, rights arising from registrations of marks in force on the national territory before the date of its accession to independence shall continue, after such date, to produce their effect on the said territory, under the provisions of this Annex, and particularly for the term of twenty years provided for in Article 13.

Article 35

Every owner of the rights mentioned in Article 34 shall, under penalty of forfeiture, file with the African and Malagasy Industrial Property Office, within a period of one year from the date of entry into force of this Annex, a declaration maintaining these rights in force, and shall pay a fee under conditions to be determined by the Office.

However, the owners of rights arising from registrations effected on the national territory shall be exempt from the formalities and the fee provided for in the preceding paragraph.

Article 36

Registrations of marks referred to in Article 34, which have reached the end of the term of protection of twenty years between the date of accession to independence and the date of entry into force of this Annex, may validly be renewed during a period of one year from the said date of entry into force. Such renewals shall have retrospective effect as from the end of the term of protection referred to above.

The time which has elapsed between such term and the date of application for renewal shall be deducted from the new term of protection.

Article 37.

During a period of one year from the date of entry into force of this Annex, applications for registration may validly be filed, claiming the right of priority provided for in Article 4 of the International Convention for the Protection of Industrial Property of March 20, 1883, as revised, in respect of marks which have first been filed in one of the countries of the International Union not more than six months before the date of accession to independence.

Where more than six months have passed, the time which has elapsed between the two filings referred to in the preceding paragraph shall be deducted from the term of protection.

The registration of a mark which has ceased to have effect on the national territory before the date of accession to independence shall not prevent any subsequent application for registration of the said mark, effected after such date, being considered as the first application for the purposes of this Article.

Article 38

Applications filed with the national Administration since the date of accession to independence shall be registered by the African and Malagasy Industrial Property Office, in accordance with the provisions of this Annex.

REGULATIONS CONCERNING TRADEMARKS

The Governing Body of the African and Malagasy Industrial Property Office,

Considering the Agreement relating to the creation of the said Office signed at Libreville on September 13, 1962, and in particular Article 13 thereof which stipulates that the Governing Body shall "draw up the regulations necessary for the application of the present Agreement and its Annexes";

Considering Article 24, which empowers the Office to determine the date of coming into force of the Annexes;

Considering Annex II of the Agreement relating to trademarks;

Considering Annex IV concerning miscellaneous provisions;

Hereby adopts the following Regulations:

Article 1

The application of Annex II of the above-mentioned Agreement concerning trademarks shall be governed by the following provisions.

PART I

Application for Registration

Article 2

(1) The application, provided for in Article 8 of Annex II referred to above, for the registration of a trademark by the African and Malagasy Industrial Property Office shall be made on the form prescribed by the Office.

(2) The application shall be filed in four copies, of which one shall be marked "Original."

Article 3

(1) The application for registration shall contain:

- (a) the name, first names, and domicile, of the applicant or, in the case of a legal entity, its name and headquarters;
- (b) where applicable, the name and address of the agent authorized to make the application, and the date of the power of attorney referred to in Article 5, below;
- (c) where appropriate, particulars as to any claim for priority in respect of an earlier application, in accordance with the provisions of Article 6, below;
- (d) in the case of an application for renewal of an earlier registration, the place, date, and number, of the earlier registration;
- (e) where applicable, the combination or arrangement of colors, and the characteristic form of the goods or of their containers, claimed as distinctive elements of the mark;
- (f) the list of goods to which the mark is applied and the corresponding classes of the classification provided for in Article 20.

However, if the application concerns all the goods in one or more classes of the said classification, the applicant may indicate the numbers of the classes without reproducing the names of the goods listed thereunder. In such cases the numbers should preferably be written out in full;

- (g) the amount transferred to the Office for the application fee and the fee for each class of goods, as well as the method of transfer, and the date and number of the payment voucher;
- (h) an indication as to the possible return of the printing block to the applicant after publication of the mark, in accordance with the provisions of Article 8, below;

(2) The application shall be accompanied by:

- (a) the printing block of the mark;
- (b) where applicable, the power of attorney of the agent, together with the priority documents referred to in Article 6, below;
- (c) where applicable, the payment voucher for the prescribed fees.

(3) The application must be dated and signed by the applicant, or his agent if any. The signature shall be preceded by a note indicating whether it is that of the applicant or his agent, and, in the case of a legal entity, by an indication of the functions of the person signing.

Article 4

(1) Any application filed by a woman who is married, widowed, or divorced, shall state her maiden name and first names, after the name of the husband, thus: Mrs. X....., née Y..... .

(2) When the application is filed by several persons jointly, the particulars required by Article 3, paragraph (1)(a), shall be furnished by each of them.

If no agent has been appointed, official communications shall, unless otherwise stated, be sent to the person first mentioned.

Article 5

The power of attorney of the agent, provided for in Articles 3, 16, and 22, of these Regulations, shall indicate the name, first names, and address, of the applicant or, in the case of a legal entity, its name and headquarters, as well as the name of the agent.

The power of attorney shall be dated and signed by the applicant. In the case of a legal entity, it shall indicate the functions of the person signing.

In the case of the filing of an application claiming priority in respect of an earlier application, the particulars required by Article 6, below, shall be indicated on the power of attorney.

Article 6

Any person who wishes to avail himself of the priority of an earlier application shall indicate the place, date, and number, of the earlier application in his application for registration, or in a declaration which must reach the Office under the conditions and within the period prescribed by Article 8 of Annex II referred to above.

He must, further, within a period of three months from the date of application, furnish the Office with a copy of the earlier application, duly certified by the Administration which received it.

PART II

The Specimen and Printing Block

Article 7

The specimen of a mark shall consist of a clear representation thereof, in black print, obtained by means of the printing block accompanying the application.

The specimen shall be shown on the form prescribed by Article 2 above.

The applicant may attach four colored vignettes of the mark.

Article 8

(1) The printing block provided for in Article 8 of Annex II referred to above must be of the kind usually employed in letterpress printing.

It must be not less than 15 millimeters and not more than 9 centimeters either in length or in width. It must be 23 millimeters thick.

(2) The applicant must write his name and address on one side of the base of the block.

(3) If the applicant so requests, the block shall be returned to him, at his expense, after publication of the mark.

Any block which is unclaimed at the end of the second year after the said publication shall be destroyed.

PART III

Filing of the Application

Article 9

(1) When an application for registration of a mark is filed, in accordance with Article 3 of the above-mentioned Agreement, with the Clerk (greffier) of the Civil Tribunal of a member State, the Clerk shall verify:

- that the application for registration and the specimen of the mark are put on the prescribed form;
- that the application contains the name and domicile of the applicant and the goods to which the mark is applied.

The Clerk shall draw up the minute relating to the filing of the application only if the above requirements have been fulfilled.

(2) The minute shall be recorded on each copy of the application, in the manner prescribed by Article 10 of Annex II referred to above.

The Clerk shall indicate the day and hour of the filing of the application, as well as the serial number of the minute, and shall affix his signature and official stamp thereon.

(3) One copy shall be given to the applicant, or to his agent if any, as a filing certificate; another copy shall be filed in the archives of the Clerk's Office; the remaining two shall, within five days of the date of the minute, be transmitted to the Office by registered mail at the expense of the applicant, together with the printing block and, where applicable, the power of attorney of the agent and the payment voucher for the prescribed fees.

Article 10

(1) When an application for the registration of a mark is filed direct with the Office, in accordance with Article 3 of the above-mentioned Agreement, the Office shall proceed with the verification provided for in Article 9, above.

It shall draw up a minute relating to the filing of the application only if the requirements referred to in the said Article have been fulfilled.

(2) The minute shall be recorded on each copy of the application, in the manner prescribed by Article 2 of Annex IV referred to above.

The Office shall indicate the day and hour of the filing of the application and the serial number of the minute, and shall affix its initials and seal thereon.

(3) One copy shall be given or sent to the applicant, or his agent if any, as a filing certificate.

Article 11

The amount of the fees provided for in Article 9 of Annex II referred to above shall be transferred by the applicant to the Office no later than at the time of filing the application, in accordance with the procedure prescribed by the Regulations concerning fees.

PART IV

Registration and Publication of Marks

Article 12

(1) The Office shall proceed with the examination provided for in Article 11 of Annex II of the above-mentioned Agreement.

(2) If the application is found to be in order, or has been put in order by the applicant, in pursuance of Article 12 of the said Annex, the mark shall be registered as of the date on which the application was filed.

A registration number, the seal of the Office, and the signature of the Director or of his representative, shall be affixed on each copy of the application.

One copy shall be given or sent to the applicant, or to his agent if any, as a certificate of registration.

Article 13

Marks which have been registered shall be published in the Official Bulletin (Bulletin Officiel) of the Office.

Article 14

The original copies of applications shall be entered in the Special Register of Marks (Registre Spécial des Marques), in order of their registration numbers.

PART V

Special Register of Marks

Article 15

(1) The Special Register of Marks set up under Article 18 of Annex II referred to above shall mention the declarations, acts, and judicial decisions, whose registration is provided for in Articles 14, 18, and 19, of the said Annex, and, in general, all notifications relating to the ownership of the mark.

(2) It shall also mention any changes in the addresses of registered owners, assignees, or licensees, of marks, which may have been notified to the Office.

Article 16

Requests for entries or cancellations in the Register shall be handed in at the Office or sent to it by registered mail with a request for acknowledgement of receipt. They shall state the name, first names or title, and domicile or headquarters, of the applicant, or of the agent (if any) who is authorized to make the request, as well as the amount of the fees transferred to the Office, the method of transfer, and the date and number of the payment voucher. They shall be accompanied by the documents provided for in Articles 17 and 18, below, and, where applicable, by the payment voucher for the prescribed fees.

Article 17

(1) Any entry concerning the acts referred to in Article 17 of Annex II referred to above shall be effected after a duly registered, original copy of the act has been filed, if it bears only the signatures of the parties (without legalization), or an official copy (expédition) thereof, if authentic, and, in the event of transfer by way of succession, an affidavit or inventory.

(2) Entries concerning mortgaged marks shall be cancelled once either a duly registered, original copy of the cancellation of the mortgage, or an official copy of the final court decision, has been filed.

Article 18

Every request for entries or cancellations in the Register shall be accompanied by two data sheets established on forms prescribed by the Office. They shall contain the following particulars:

- (a) the name, first names, and domicile, of the assignor, de cujus or creditor, and of the assignee, licensee, heir, successor, or debtor;
- (b) the number and date of registration of the mark;
- (c) the nature and scope of the right transferred or licensed, and the duration thereof;
- (d) the date and nature of the act effecting transfer of ownership, license, or termination of the right, or the date of decease entailing change of ownership;
- (e) where applicable, the amount of the debt indicated in the act, and the conditions regarding interest and the date when payment of the debt is due.

The particulars given in the data sheets shall be certified by the parties as being in conformity with the contents of the act in question.

Entries or cancellations in the Special Register of Marks shall be effected in accordance with the particulars given in the data sheets.

One of the data sheets and a copy of the act shall be kept in the archives of the Office. The other data sheet shall be returned to the applicant, with the registration noted thereon.

Article 19

The Office shall issue to all who so require, either a copy of the entries made in the Special Register of Marks, or a copy of the subsisting entries in respect of mortgaged marks, or a certificate to the effect that no such entry exists.

The Office shall likewise issue extracts concerning the addresses of registered owners of marks or of assignees or licensees, and certificates reproducing the information given on the original copy of the specimen of the mark.

PART VI

Classification of Marks

Article 20

For the purpose of the application for registration and the registration of marks and, in particular, for the application of Articles 8 and 9 of Annex II referred to above, goods shall be classed according to the classification annexed to these Regulations.

PART VII

Miscellaneous and Transitional Provisions

Article 21

The terms provided for in Annex II referred to above, and in this Decree, shall run from the first day of the term to the last.

When the last day of the term is a legal holiday or a day on which the Office is closed, the term shall be extended until the next succeeding working day.

Article 22

(1) Four copies of the declaration maintaining a mark in force, provided for in Article 35 of Annex II referred to above, shall be handed in at the Office or sent to it by registered mail with a request for acknowledgement of receipt.

(2) The declaration shall be drawn up on the form prescribed by the Office. It shall be signed by the applicant or his successor in title, or by his agent if any. It shall mention:

- (a) the name, first names, and domicile, of the registered owner of the mark or, in the case of a legal entity, its name and headquarters;
- (b) where applicable, the name and address of the agent authorized to request maintenance in force;
- (c) the place, date, and number, of the application for registration of the mark;
- (d) the registration number of the mark and the date and number of the Official Bulletin in which it was published;
- (e) a list of the goods and classes of goods to which the mark is applied.

However, if the application concerns all the goods in the class or classes to which it refers, the applicant may so indicate without reproducing the names of the goods listed in these classes;

- (f) the amount of the maintenance fee transferred to the Office, the method of transfer, and the date and number of the payment voucher.

(3) A specimen of the mark shall be reproduced on the declaration form.

(4) The declaration shall be accompanied, where appropriate, by the payment voucher for the maintenance fee, by the power of attorney of the agent, and, in the case of transfer, by a copy of the entry in respect of the said transfer made in the Special Register of Trademarks kept by the Administration which effected the registration.

Article 23

(1) The Office shall register the declaration, after establishing that it is in order as to form and that the prescribed fee has been paid, and shall publish a notice thereof in the Official Bulletin.

(2) It shall return to the declarant a copy of the declaration, with the registration noted thereon.

Article 24

If the formalities have not been complied with, or if all or part of the fees have not been paid, a period of two months shall be allowed to the declarant to put matters in order. This period may be extended upon request, if the request is justified. If matters are not put in order within the period allowed, the declaration shall be rejected.

Article 25

If an owner of rights who is exempt, pursuant to paragraph (2) of Article 35 of Annex II, from the formalities and fee prescribed by paragraph (1) of the said Article requests an entry in the Special Register of Marks, the Office may require him to furnish a copy of the mark, duly certified by the Office which received the application or effected the registration.

Article 26

The Administrations with which the applications for registration of marks mentioned in Article 35 of Annex II referred to above have been filed shall transmit them to the Office in the form in which they were filed under the legislation in force at the time of filing.

The Office shall register and publish the marks after the applications have been put in order in the manner prescribed by Article 12 of the said Annex, and after payment of the required fees.

Article 27

The date of entry into force of these Regulations and of Annex II of the above-mentioned Agreement shall be fixed by decision of the Governing Body (Conseil d'Administration) of the Office, represented by its President.

The period of one year provided for in Articles 35, 36, and 37, of the said Annex shall run with effect from that date.

Done at Yaoundé on July 20, 1963.

A N N E X E S

- ANNEX A .. Application form for registration of a trademark (M. 201 -- size 21 x 31 cm.)
- ANNEX B .. Declaration form for maintenance in force of a trademark (M. 202 -- size 21 x 31 cm.)
- ANNEX C .. Classification of goods to which trademarks are applied

AFRICAN AND MALAGASY INDUSTRIAL
PROPERTY OFFICE
P.O. Box 887
YAOUNDE (CAMEROON)

APPLICATION FOR REGISTRATION
OF A MARK

(Agreement of Libreville of September 13, 1962 - Annex II)

- 1 - AGENT - Name and address
-
-
- 2 - APPLICANT - Name, first names (design-
nation), domicile:
-
-
- 3 - Colors claimed (combination, arrange-
ment)
-
-

Specimen of mark (in black)

- 4 - Goods designated:
-
-
-
- 5 - Classes of goods:
-
-
- 6 - Renewal of application made on
- and registered under the No.
- 7 - Claim for priority of earlier application effected on
- at under the No.

8 - The undersigned hereby
declares that he/she has
filed the above-mentioned
application in accordance
with Annex II of the Agree-
ment referred to above.

Done at

On

Signature:

=====
(Space reserved for OAMPI and the
Clerk of the Tribunal)

Minute relating to,
filing of applica-
tion Registration
No. The above-mentioned
The above-men- mark was registered
tioned application at OAMPI on the date
was filed on of filing under the
nineteen hundred
and sixty ... at.. No.
hoursminutes
Initials: Initials:

9 - PAYMENT OF FEES to OAMPI (*in cash to OAMPI *C.C.P. Douala 38.16
*Société Camerounaise de Banque - Account No. 31-75074)

*Date:

*Method of payment: Cash Postal order Postal transfer
Bank cheque Bank transfer

*No. of payment voucher:

*Detailed account:

Application fee _____
Fee per class of goods over and
above third class _____
Fee for priority claim _____
=====

Amount paid

CFA Frs.

10 - Printing block of mark: Does the applicant wish the block to be
returned to him at his own expense, after publication of the mark?

_____ In the absence of a reply, or if the block is not sub-
sequently claimed, it will be destroyed two years after
publication.

11 - Sundry particulars:

ENTRIES IN THE SPECIAL REGISTER OF MARKS

=====
Applications for registration must be handed in or sent by regis-
tered mail with a request for acknowledgement of receipt, in four copies,
to the African and Malagasy Industrial Property Office (OAMPI), P.O.
Box 887, YAOUNDE (CAMEROON).

N.B. Do not fold the form.

AFRICAN AND MALAGASY INDUSTRIAL
PROPERTY OFFICE
P.O. Box 887,
YAOUNDE (CAMEROON)

DECLARATION OF MAINTENANCE IN FORCE OF A MARK
(Agreement of Libreville of September 13, 1966 -
Annex II - Article 35)

1 - AGENT -- Name and address	Specimen of mark (in black)
2 - REGISTERED OWNER of the mark -- Name, first, names (designation), domicile	
3 - Application filed on	
at	
registered under the No.	
and published on....BOPI No. .'	
4 - Colors claimed (combination, arrangement).....	
5 - Goods designated:	
6 - Classes of goods	Space reserved for OAMPI
7 - The undersigned hereby declares his/her intention to maintain in force the above-mentioned filing in accordance with Articles 34 and 35 of Annex II referred to above.	<u>Registration</u> The declaration of maintenance in force of the above-mentioned mark has been registered at OAMPI under the No.
Done at on	
Signature:	Initials:

8 - PAYMENT OF FEE to OAMPI (*In cash to OAMPI - *C.C.P. Douala 38-16
*Société Camerounaise de Banque . Account 31-75074):

*Date:

*Method of Payment: Cash Postal order Postal transfer
 Bank cheque Bank transfer

*No. of payment voucher

 Amount paid CFA Francs.

=====

9 - Sundry particulars:

=====

ENTRIES IN THE SPECIAL REGISTER OF MARKS

=====

Declarations of maintenance in force must be handed in or sent
by registered mail with a request for acknowledgement of receipt, in
four copies, to the African and Malagasy Industrial Property Office,
P.O. Box 887, YAOUNDE (CAMEROON).

N.B. Do not fold the form.

A N N E X C

CLASSIFICATION OF GOODS TO WHICH TRADEMARKS ARE APPLIED

TABLE OF CLASSES

The parts of an article or appliance are in general placed in the same class as the article or appliance itself, unless the parts in question are articles placed in other classes.

1. Chemical products used in industry, science, photography agriculture, horticulture, forestry; artificial and synthetic resins; plastics in the form of powders, liquids or pastes, for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.
2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dye-stuffs; mordants; natural resins; metals in foil and powder form for painters and decorators.
3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
4. Industrial oils and greases (other than edible oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night-lights and wicks.
5. Pharmaceutical, veterinary and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax; disinfectants; preparations for killing weeds and destroying vermin.

6. Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (non-electric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in non-precious metal not included in other classes; ores.
7. Machines and machine tools; motors (except for land vehicles); machine couplings and belting (except for land vehicles); large size agricultural implements; incubators.
8. Hand tools and instruments; cutlery, forks and spoons; side arms.
9. Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; coin or counter-freed apparatus; talking machines; cash registers; calculating machines; fire-extinguishing apparatus.
10. Surgical, medical, dental and veterinary instruments and apparatus (including artificial limbs, eyes and teeth).
11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
12. Vehicles; apparatus for locomotion by land, air, or water.
13. Firearms; ammunition and projectiles; explosive substances; fireworks.
14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewellery; precious stones; horological and other chronometric instruments.
15. Musical instruments (other than talking machines and wireless apparatus).

16. Paper and paper articles, cardboard and cardboard articles; printed matter, newspapers and periodicals, books; book-binding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and clichés (stereotype).
17. Gutta percha, indiarubber, balata and substitutes, articles made from these substances and not included in other classes; plastics in the form of sheets, blocks and rods, being for use in manufacture; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (non-metallic).
18. Leather and imitations of leather, and articles made from these materials and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
19. Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; road-making materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.
20. Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics.
21. Small domestic utensils and containers (not of precious metal, or coated therewith); combs and sponges; brushes (other than paint brushes); brush-making materials; instruments and material for cleaning purposes; steelwool; glassware, porcelain and earthenware, not included in other classes.
22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, capoc, feathers, seaweed, etc.); raw fibrous textile materials.
23. Yarns, threads.

24. Tissues (piece goods); bed and table covers; textile articles not included in other classes.
25. Clothing, including boots, shoes and slippers.
26. Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.
27. Carpets, rugs, mats and matting; linoleums and other materials for covering floors; wall hangings (non-textile).
28. Games and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees.
29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, eggs, milk and other dairy products; edible oils and fats; preserves, pickles.
30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; pepper, vinegar, sauces, spices; ice.
31. Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.
32. Beer, ale and porter; mineral and aerated waters and other non-alcoholic drinks; syrups and other preparations for making beverages.
33. Wines, spirits and liqueurs.
34. Tobacco, raw or manufactured; smokers' articles; matches.

ANNEX III

Industrial Designs

PART I

General Provisions

Article 1

Every creator of an industrial design and his successors in title shall have the exclusive right to use, sell, or cause to be sold, such design, under the conditions specified in this Annex, without prejudice to any rights that they may have under other legal provisions.

Article 2

This Annex shall be applicable to every new design, to every new plastic form, to every industrial object which can be differentiated from similar ones, whether by a distinct and recognizable configuration which confers a character of novelty upon it, or by one or more external features which give it a new and distinctive appearance.

If the same object can be considered both as a new design and as a patentable invention, and if the elements constituting the novelty of the design are inseparable from those of the invention, the said object can only be protected in accordance with Annex I relating to patents.

Article 3

Only designs properly deposited shall enjoy the benefits of this Annex.

The owner of a design shall be the person who has created it or his successors in title; but, in the absence of proof to the contrary, the person who has first deposited the design shall be presumed to be the creator thereof.

The publicity given to a design prior to its deposit, by offering it for sale or by any other means, shall not entail the loss either of ownership or of the special protection granted by this Annex.

Article 4

Foreigners shall enjoy the benefit of this Annex by complying with the formalities which it prescribes.

PART II

Deposit and Publicity

Article 5

Any person who wishes to deposit an industrial design shall file with the Clerk (greffe) of the Civil Tribunal of his place of domicile:

- (1) an application for deposit;
- (2) an unstamped, signed power of attorney, if the depositor is represented by an agent;
- (3) under penalty of nullity of the deposit, two identical copies of a representation or specimen of the design, contained in a sealed envelope.

The same deposit may contain from one to one hundred designs, which shall be numbered from the first to the last. Designs in excess of one hundred shall not be deemed to have been validly deposited for the purposes of this Annex.

Article 6

A minute drawn up by the Clerk (greffier) shall acknowledge each deposit, setting out the day and hour of the filing of the items.

An official copy of the minute shall be given to the depositor.

The Clerk shall transmit the items to the African and Malagasy Industrial Property Office (Office Africain et Malgache de la Propriété Industrielle), within five days from the date of deposit.

Article 7

The Office, after having established that the deposit has been properly made, shall proceed with its registration. It shall send a certificate of registration to the depositor.

The legal date of registration shall be the date of the deposit.

In the event of failure to comply with the formalities, without involving nullity of the deposit, or of failure to pay the required fees, a period of two months shall be allowed to the depositor to put his deposit in order. This period may be extended upon the request of the depositor or his agent, if the request is justified. If the deposit is not put in order within the period allowed, it shall be rejected.

Rejection shall be ordered by the Director of the African and Malagasy Industrial Property Office.

Article 8

The total term of protection granted by this Annex to a deposited design shall be twenty years from the day of deposit. This term shall be divided into one period of five years and one period of fifteen years.

Protection shall cease at the end of the five-year period, if a request for maintenance in force of the deposit has not been made by the depositor or his successors in title before the end of this term, or within the ensuing six months.

A request for the maintenance of a deposit may cover either all the designs comprised in the deposit, or only one or several of them.

Article 9

During the first period of protection, the deposit of the design shall remain secret, unless the depositor or his successors in title have requested that it be made public.

A request for publicity may cover either all the designs comprised in the deposit, or only one or several of them.

Article 10

The African and Malagasy Industrial Property Office shall cause reproductions to be made of the designs covered by the request referred to in Article 9.

A print of the reproduction shall be open to public inspection at the Office.

Prints indicating the publicity of the deposit shall be issued, upon request, to any depositor or his successors in title, and to any person involved in litigation relating to the design.

Article 11

Deposits of designs maintained in accordance with the provisions of Article 8 shall be made public by the Office if they have not already been made public during the first period of protection.

Article 12

A notice shall be published by the Office as to the designs whose deposit has been made public.

Article 13

Designs which have been deposited shall be destroyed if not claimed by their owner within two years of the end of the term of protection.

Article 14

Deposit shall give rise to the payment of:

- (1) a fee for deposit, which shall be independent of the number of designs deposited;
- (2) a fee in respect of each design deposited.

PART III

Transfer and Assignment of Industrial Designs

Article 15

The rights attaching to a design may be transferred in whole or in part.

Acts concerning transfer of ownership, licensing or termination of the right of use, mortgage or cancellation of mortgage relating to a design, shall, under penalty of nullity, be drawn up in writing.

Article 16

The acts referred to in the preceding Article shall be enforceable against third parties only if they have been recorded in the Special Register of Designs (Registre spécial des Dessins ou Modèles) maintained at the African and Malagasy Industrial Property Office. A copy of the acts shall be kept in the archives of that Office.

The Office shall furnish, to all who so require, a copy of the entries made in the Special Register of Designs, as well as particulars of existing entries in respect of mortgaged designs, or a certificate to the effect that no such entry exists.

PART IV

Penalties

Article 17

Every deliberate infringement of the rights guaranteed by this Annex shall be punishable by a fine of from 50,000 to 300,000 francs CFA (Communauté française Afrique).

Article 18

In the case of recidivism, or if the offender is a person who has been in the employ of the injured party, sentence shall further include imprisonment of from one to six months.

Recidivism shall be deemed to have occurred when, during the five preceding years, the accused has had a first conviction for one of the offenses specified in this Annex.

The provisions of domestic laws relating to extenuating circumstances shall be applicable to the offenses specified in this Annex.

Article 19

Offenders may, further, be deprived of the right to take part in the elections to the Chambers of Commerce and Industry for a period not exceeding ten years.

The Tribunal may order the judgment to be placarded in such places as it may determine, and to be inserted, in full or in part, in such newspapers as it may designate, all at the cost of the person convicted.

Article 20

Confiscation, for the benefit of the injured party, of articles violating the rights guaranteed by this Annex shall be ordered, even in the event of acquittal.

In the case of conviction, the Tribunal may also order the confiscation of instruments which have specially served in

the manufacture of the infringing articles.

PART V

Legal Actions and Procedure

Article 21

Acts done prior to deposit shall not give rise to any action under the provisions of this Annex.

Acts done subsequent to a deposit but prior to its publication cannot, under the provisions of Article 17, give rise to action, even civil action, unless the injured party can prove that the accused has acted in bad faith.

No action, penal or civil, can be brought, by virtue of the same Article, before the deposit has been made public.

When the acts are subsequent to the publication of the deposit, the authors of such acts may plead that they have acted in good faith, provided they can produce proof thereof.

Article 22

Civil actions relating to designs shall be brought before the Civil Tribunals and judged as summary matters.

Article 23

Penal action for the application of the penalties provided for in Part IV can be instituted by the Public Prosecutor only on complaint by the injured party.

Article 24

In the case of penal action, the Tribunal shall first decide on the defenses of the accused, concerning either the nullity of the deposit or the ownership of the design.

Article 25

The injured party may proceed by way of bailiffs, or public or ministerial officers, and, where necessary with the assistance of an expert, to a detailed description of the infringing articles or instruments, with or without seizure thereof, in pursuance of an order by the President of the Civil Tribunal in whose jurisdiction the operations are to be carried out. The order shall be given simply upon request and on presentation of an attestation of publication issued by the

by the African and Malagasy Industrial Property Office.

When seizure is sought, the judge may require the person seeking seizure to furnish security, which he shall be obliged to deposit before taking steps to effect seizure. Security will always be required of any foreigner seeking seizure.

The detainers of the articles described shall be furnished with a copy of the order and, where applicable, of the document certifying that security has been furnished, all under penalty of nullity and damages against the bailiff, or the public or ministerial officer.

Article 26

If the plaintiff fails to proceed, either by civil or penal action, within a period of one month, the description or seizure shall automatically become void, without prejudice to any damages that may be claimed.

Article 27

Any Court involved in litigation may request the African and Malagasy Industrial Property Office to communicate to it a design previously made public.

PART VI

Special and Transitional Provisions

Article 28

The Law of July 14, 1909, as amended, relating to designs, and the decrees applying the said Law, are repealed as from the date of entry into force of this Annex.

Article 29

Nationals may claim the application in their favor of the provisions of the International Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as well as the provisions of Agreements, Additional Acts, and Final Protocols, which have modified or may hereafter modify the said Convention, in all cases where such provisions are more favorable than those of the present Annex for the protection of rights deriving from industrial property.

Article 30

Rights arising from deposits of designs and existing on the national territory before the date of its accession to independence shall continue, after such date, to produce their effect in the said territory for the duration of the period of protection current at that date.

Article 31

Deposits effected not more than five years before the date of accession to independence of the national territory, and whose maintenance has not been requested before such date, shall be prolonged up to the total term of protection of twenty years provided for in Article 8, if the depositor so requests within a period of one year from the entry into force of this Annex, either in the declaration maintaining the deposit in force, prescribed by Article 32, or subsequent thereto.

Article 32

Every owner of the rights mentioned in Articles 30 and 31 shall, under penalty of forfeiture, file with the African and Malagasy Industrial Property Office, within a period of one year from the date of entry into force of this Annex, a declaration maintaining these rights in force, and shall pay a fee under conditions to be determined by the Office.

Article 33

Deposits effected with the national Administration since the date of accession to independence shall be transmitted to the African and Malagasy Industrial Property Office.

The same applies in the case of deposits, maintained in force by virtue of Article 31, which were effected on the national territory and are still in the hands of the Clerks of Courts.

REGULATIONS CONCERNING INDUSTRIAL DESIGNS

The Governing Body of the African and Malagasy Industrial Property Office,

Considering the Agreement relating to the creation of the said Office signed at Libreville on September 13, 1962, and in particular Article 13 thereof, which stipulates that the Governing Body shall "draw up the regulations necessary for the application of this Agreement and its Annexes";

Considering Article 24, which empowers the Office to determine the date of entry into force of the Annexes;

Considering Annex III of the Agreement relating to industrial designs;

Considering Annex IV of the said Agreement concerning miscellaneous provisions;

Hereby adopts the following Regulations:

Article 1

The application of Annex III referred to above relating to industrial designs shall be governed by the following provisions.

PART I

Application for Deposit:

Article 2

(1) The application provided for in Article 5 of Annex III referred to above concerning the deposit of industrial designs shall be drawn up on the form prescribed by the Office.

(2) The application shall be filed in four copies.

Article 3

(1) The application for deposit shall contain:

- (a) the name, first names, and domicile, of the depositor, or, in the case of a legal entity, its name and headquarters;
- (b) where applicable, the name and address of the agent authorized to make the deposit, and the date of the power of attorney referred to in Article 5, below;
- (c) the number and nature of the designs deposited, and the serial number attributed to them;
- (d) the serial numbers of the designs to which an explanatory statement is attached, pursuant to Article 8, below;
- (e) the designs for which the publicity provided for in Article 9 of Annex III referred to above is sought, with or without maintenance in force of the deposit for a term of twenty years;
- (f) the amount transferred to the Office in payment of the fee for deposit, the fee for each design, and, where applicable, the publicity fee and the maintenance fee up to 20 years, as well as the method of transfer, and the date and number of the payment voucher;
- (g) the list of items deposited in support of the application.

(2) The application shall be accompanied by:

- (a) the sealed envelope or package referred to in Article 5 of the said Annex;
- (b) where applicable, the power of attorney of the agent;
- (c) where applicable, the payment voucher for the prescribed fees.

(3) The application for deposit must be dated and signed by the applicant, or his agent, if any. The signature shall be preceded by a note indicating whether it is that of the depositor or his agent, and, in the case of a legal entity, by an indication of the functions of the person signing.

Article 4

(1) Any application filed by a woman who is married, widowed, or divorced, shall state her maiden name and first names, after the name of the husband, thus: Mrs. X..... ,
née Y..... .

(2) When the deposit is effected by several persons jointly, the particulars prescribed by Article 3, paragraph 1(a), shall be furnished in respect of each of them.

If no agent has been appointed, official communications shall, unless otherwise stated, be sent to the person first mentioned.

Article 5

The power of attorney of the agent provided for in Articles 3, 13, 27, and 33, of these Regulations shall indicate the name, first names, and domicile, of the depositor, or, in the case of a legal entity, its name and headquarters, as well as the name of the agent.

The power of attorney shall be dated and signed by the depositor. In the case of a legal entity, it shall indicate the functions of the person signing.

PART II

Scaled Envelope Representations or Specimens of Designs

Article 6

(1) A three-dimensional design (modèle) may be deposited either in the form of a graphic or photographic representation or in the form of a specimen.

The same three-dimensional design may not be deposited in both forms. If it is deposited in both forms, however, it shall be presumed that the depositor gives priority to the deposit in the form of a specimen.

(2) The sealed envelopes or packages containing, in duplicate, the representations or specimens of designs accepted for deposit must not exceed 30 centimeters in any dimension, nor must they weigh more than 2 kilograms.

Article 7

(1) The two-dimensional designs (dessins), as well as the graphic representations of three-dimensional designs, provided for in Article 5 of Annex III referred to above, shall, as far as possible, be drawn in ink, with neat black lines, on bristol board or other white paper which is strong and smooth and allows of photographic reproduction.

(2) The designs and the graphic or photographic representations must not measure less than 8 centimeters on any side, or be larger than 21 x 27 centimeters. They shall be submitted either on a flat sheet or rolled up, but shall not be folded.

(3) The deposit shall not contain more than two copies of a single sheet of paper for each design or representation of a three-dimensional design. If more than two are submitted, the depositor shall be required to indicate which representation is to be kept as a deposit.

(4) The depositor shall affix, on the reverse of the design or of the representation of the design, in the top right-hand corner, his signature and, in the case of a multiple deposit, the serial number.

The serial numbers shall be consecutive, without repetition or interruption.

When a three-dimensional design is deposited in the form of a specimen, the particulars mentioned above shall be given on a label attached to the article.

Article 8

An explanatory statement may be attached, in duplicate, to the design, representation, or specimen, deposited in the sealed envelope or package; the text of such statement shall be written on one side only of a piece of paper measuring 21 x 27 centimeters. The purpose of the statement, which is optional, is to specify what is new in the design, and it may not contain any description or any indication as to the use or functioning of the design.

In the case of a multiple deposit, each explanation shall refer to only one design, whose serial number it shall bear.

PART III

The Deposit

Article 9

(1) When the design is deposited, in accordance with Article 3 of the above-mentioned Agreement, with the Clerk (greffe) of the Civil Tribunal, the Clerk shall verify:

- (a) that the application is drawn up on the prescribed form;
- (b) that it contains the name and domicile of the depositor and the number and nature of the articles deposited;
- (c) that it is accompanied by a sealed envelope or package containing the design or designs deposited and indicating the name and address of the depositor.

The Clerk shall draw up the minute relating to the deposit only if the above requirements have been fulfilled.

(2) The minute shall be recorded on each copy of the application, in the manner prescribed by Article 6 of Annex III referred to above.

The Clerk shall indicate the day and hour of deposit, and the serial number of the minute, and shall affix his signature and his seal thereon.

He shall note these particulars on the sealed envelope or package.

(3) One copy of the application for deposit shall be given to the depositor, or to his agent if any, as a certificate of deposit; another copy shall be filed in the archives of the Clerk's Office; the remaining two shall, within five days of the date of the minute, be transmitted to the Office by registered mail, at the expense of the depositor, together with the sealed envelope or package, and, where applicable, the power of attorney of the agent and the payment voucher for the prescribed fees.

Article 10

(1) When the design is deposited directly with the Office, in accordance with Article 3 of the above-mentioned Agreement, the Office shall proceed with the verification provided for in paragraph (1) of Article 9, above.

It shall draw up the minute relating to the deposit, only if the requirements indicated in the said paragraph have been complied with.

(2) The minute shall be recorded on each copy of the application, in the manner prescribed by Article 3 of Annex IV referred to above. The Office shall indicate the day and hour of deposit, and shall affix its signature and seal thereon.

The above particulars shall be noted on the sealed envelope or package.

(3) One copy shall be given or sent to the depositor, or to his agent if any, as a certificate of deposit.

Article 11

The amount of the fees provided for in Article 14 of Annex III referred to above, and, where appropriate, of the fees for publicity or for maintenance, shall be transferred to the Office by the depositor no later than at the time of deposit, according to the procedure prescribed by the Regulations concerning fees.

PART IV

Registration of the Deposit

Article 12

(1) The Office shall proceed with the examination provided for in Article 7 of Annex III referred to above.

(2) If the deposit is found to be in order, or has been put in order by the depositor in pursuance of paragraph (3) of the said Article, it shall be registered as of the date on which the deposit was made.

A registration number and the signature and seal of the Office shall be affixed on each copy of the application and on the sealed envelope or package.

(3) One copy of the application shall be given or sent to the depositor, or to his agent if any, as a certificate of registration.

Another copy shall be inserted in the Special Register of Designs (Régistre spécial des Dessins ou Modèles).

PART V

Publicity of the Deposit

Article 13

(1) The request for publicity provided for in Article 9 of Annex III referred to above may be made either in the application for deposit, or later, within a period of five years from the registration of the deposit.

The request shall be drawn up according to the model contained in the Annex to these Regulations.

(2) In the latter case, the request shall be signed, in duplicate, by the registered owner of the deposit or his successor in title, or by his agent if any, and shall be handed in at the Office or sent to it by registered mail with a request for acknowledgement of receipt.

The request for publicity shall indicate:

- (a) the name, first names, and domicile, of the registered owner of the deposit or of his successor in title, or, in the case of a legal entity, its name and headquarters;
- (b) where applicable, the name and address of the agent authorized to fill such request;
- (c) the place and date of the deposit, and the registration number thereof;
- (d) the number and serial numbers of the designs for which publicity is requested, with or without maintenance in force of the deposit for 20 years;

(e) the amount transferred to the Office in payment of the publicity fee and, where applicable, of the maintenance fee, as well as the method of transfer, and the date and number of the payment voucher.

(3) (a) When the request is filed by a successor in title, it must be supported by evidence establishing the rights of such successor in title.

(b) Where applicable, it shall be accompanied by the payment voucher for the prescribed fees.

Article 14

The request for publicity shall be registered by the Office.

Such request shall be mentioned on the application for deposit inserted in the Special Register of Designs.

Article 15

(1) The Office shall proceed to open the sealed envelope or package.

(2) If, after opening, it is found that the deposit is null and void, according to Article 5 of Annex III referred to above, because the design has been filed in a single copy only or in two non-identical copies, this fact shall be mentioned on the request for publicity and the application for deposit.

The person who has signed the request for publicity shall be advised accordingly by registered mail.

The procedure provided for in this paragraph shall likewise be followed if the deposit comprises more than 100 designs. The person presenting the request shall be invited to designate those designs which shall not be considered as having been validly deposited.

Article 16

When it is found that the procedure prescribed by Article 5 of Annex III referred to above has been complied with, and that, in particular, the two copies of the design for which publicity has been requested are identical, the copy to be communicated, where appropriate, to the Tribunal, pursuant to Article 27 of the said Annex, shall be photographically reproduced.

Thereafter, the operation shall be noted on the said copy, which shall be placed again in the envelope containing the second copy intended for possible communication to the public.

Article 17

(1) Prints open to public inspection at the Office, in accordance with the provisions of Article 10 of Annex III referred to above, shall bear an indication of the place and date of deposit, the name, first names and domicile of the depositor, the registration number of the deposit at the Office, and the date from which the prints have been open to public inspection.

Where applicable, the prints shall be accompanied by the explanatory statement provided for in Article 8, above.

(2) Communication, at the Office, of prints open to public inspection, or of the second copy of the design kept in the archives, shall take place under the supervision of an official of the Office.

Copies and prints may not be copied, photographed, or reproduced in any other manner.

Article 18

Requests, in pursuance of paragraph (3) of Article 10 of Annex III referred to above, for the issuance of a certificate comprising a photographic print of a design and indicating the publicity of the deposit (identity certificate) shall be accompanied by evidence of the title of the person requesting the certificate.

Photographic prints mentioning the registration number of the deposit of the published design may be furnished by the Office to third parties.

Article 19

Publication, as provided for in Article 12 of Annex III referred to above, shall be effected in the Official Bulletin (Bulletin officiel) of the Office.

PART VI

Maintenance of the Deposit

Article 20

(1) The request for maintenance in force of a deposit for twenty years, provided for in Article 8 of Annex III referred to above, may be made either in the application for deposit, together with the request for publicity, or at any time before the expiration of the five-year period counted from the registration of the deposit, or within six months of such expiration.

The request shall be drawn up according to the model contained in the Annex to these Regulations.

(2) In the last two cases, the request shall be signed, in duplicate, by the depositor or his successor in title, or by his agent if any, and shall be handed in at the Office or sent to it by registered mail with a request for acknowledgment of receipt. It shall contain the following particulars:

- (a) the name, first names, and domicile, of the registered owner of the deposit or of his successor in title, or, in the case of a legal entity, its name and headquarters;
- (b) where applicable, the name and address of the agent authorized to file the request;
- (c) the date of the deposit and the number of its registration at the Office;

(d) in the case of a multiple deposit, the number, the nature, and the serial numbers, of the designs whose maintenance in force is requested;

(e) the amount transferred to the Office in payment of the maintenance fee, the method of transfer, and the date and number of the payment voucher.

(3) (a) When the request is filed by a successor in title, it must be supported by evidence establishing the rights of such successor in title.

(b) Where applicable, it shall be accompanied by the payment voucher for the prescribed fees.

Article 21

The request for maintenance in force shall be registered by the Office. Such request shall be mentioned in the application for deposit inserted in the Special Register of Designs.

Article 22

The Office shall proceed to publish the designs whose maintenance in force is requested, pursuant to Articles 16, 17, and 18, above.

PART VII

Restitution of Deposits and Renunciation

Article 23

Designs the protection of which has expired at the end of the first or the second period shall be restored to their owners at their request and at their expense.

If not claimed within two years of the expiration of the term of protection, the designs shall be destroyed.

Article 24

(1) Depositors or their successors in title may at any time renounce their deposits, either in whole or in part, by means of a declaration addressed to the Office.

(2) If made by a successor in title, the declaration shall be supported by evidence establishing the right of the successor in title. If made by an agent, the declaration must be accompanied by a power of attorney specially authorizing renunciation.

(3) The declaration shall contain the particulars required by subparagraphs (a), (b), and (c), of paragraph (2) of Article 20, above, and, in the case of a multiple deposit, the serial numbers of the designs being renounced.

(4) Renunciation shall be recorded in the Special Register of Designs and, if the design has been the subject of the publicity provided for in Annex III referred to above, it shall be published in the Official Bulletin of the Office.

(5) Renunciation shall entail destruction of the representation or specimen of the deposited design whenever its restitution has not been requested in the declaration.

PART VIII

Communication of Deposits to the Tribunals

Article 25

(1) When a Tribunal involved in litigation requires, in conformity with Article 27 of Annex III referred to above, that a copy of a design previously made public be communicated to it, the President of the said Tribunal shall address a written request to the Director of the Office.

The latter shall send, in a sealed envelope, to the Clerk of the Tribunal the copy reserved for this purpose, accompanied by a certificate indicating the date of deposit and the date of publication of the design.

(2) Designs thus communicated shall be returned to the Office as soon as possible.

(3) When the competent Tribunal authorizes experts to have the copy of the design communicated to them at the Office, these experts shall address to the Director a request accompanied by a copy of the decision on the basis of which they were designated.

The Director shall return this copy to the experts, informing them of the date on which the required communication shall take place.

Communication shall take place under the supervision of an official of the Office. After examination by the experts, the design shall be placed again in a sealed envelope.

PART IX

Special Register of Designs

Article 26

The Special Register of Designs set up under Article 16 of the Annex referred to above shall mention:

- (a) declarations and acts whose registration is provided for in the said Article 16 and in Article 24 of these Regulations;
- (b) termination of protection of designs in a member State on the basis of judicial decisions, where such decisions have been notified to the Office;
- (c) in general, all notifications relating to the ownership of designs;
- (d) requests for publicity and for maintenance in force of designs, as well as the date on which they were laid open to public inspection;
- (e) changes in the addresses of the depositors, assignees, or licensees, of designs, where such changes have been notified to the Office.

Article 27

Requests for entries or cancellations in the Register shall be handed in at the Office or sent to it by registered mail with a request for acknowledgement of receipt. They shall state the name, first names, and domicile, of the depositor, or of his agent (if any) who is authorized to make the request, as well as the amount of the fees transferred to the said Office, the method of transfer, and the date and number of the payment voucher.

They shall be accompanied by the documents provided for in Articles 28 and 29, below, and, where necessary, by the payment voucher for the prescribed fees.

Article 28

(1) Any entry concerning the acts referred to in Article 16 of Annex III referred to above shall be effected after a duly registered, original copy of the act has been filed, if it bears only the signatures of the parties (without legalization), or an official copy thereof, if authentic, and, in the event of transfer by way of succession, an affidavit or inventory.

(2) Entries concerning mortgaged designs shall be cancelled once either a duly registered, original copy of the cancellation of the mortgage, or an official copy of the final court decision, has been filed.

Article 29

Every request for entries or cancellations in the Register shall be accompanied by two data sheets (bordereaux) drawn up on the form prescribed by the Office. They shall indicate:

- (a) the name, first names, and domicile, of the assignor, de cujus or creditor, and of the assignee, licensee, heir, successor, or debtor;
- (b) the serial number and the date of registration of the deposit of the design;
- (c) in the case of a multiple deposit, the serial number or numbers of each design;

- (d) the nature and scope of the right transferred or licensed, and the duration thereof;
- (e) the date and nature of the act establishing the transfer of ownership, licensing or termination of the right, or the date of decease entailing change of ownership;
- (f) where applicable, the amount of the debt indicated in the act, and the conditions relating to interest and the date when payment of the debt is due.

The particulars given in the data sheets shall be certified by the parties as being in conformity with the contents of the act in question.

Entries or cancellations in the Special Register of Designs shall be made in accordance with the particulars given in the data sheets.

One of the data sheets and a copy of the act shall be kept in the archives of the Office. The other data sheet shall be returned to the applicant, with the registration noted thereon.

Article 30

The Office shall furnish, to all who so require, a copy of the entries made in the Special Register of Designs, or particulars of existing entries in respect of mortgaged designs, or a certificate to the effect that no such entry exists.

The Office shall likewise issue extracts concerning the addresses of registered owners of designs, or of assignees, or of licensees.

PART X

Miscellaneous and Transitional Provisions

Article 31

The terms provided for in Annex III referred to above and in this Decree shall run from the first day of the term to the last.

Where the last day of the term is a legal holiday or a day on which the Office is closed, the term shall be extended until the next succeeding working day.

Article 32

If the applicant fails to pay all or part of the fees connected with the requests for publicity or maintenance in force for twenty years, referred to in Articles 13 and 20, above, a period of two months counted from the receipt of notification by the Office shall be allowed to the applicant to pay the fees overdue. Failing payment within this period, the request shall be deemed to be abandoned. Any amounts paid /after expiration of the two-month period/ shall be refunded to the applicant. The notification referred to above shall be sent by registered mail with a request for acknowledgement of receipt.

Article 33

(1) Four copies of the declaration maintaining in force the rights arising from the deposit of designs, provided for in Article 32 of Annex III referred to above, shall be handed in at the Office or sent to it by registered mail with a request for acknowledgement of receipt.

(2) The declaration shall be drawn up on the form prescribed by the Office. It shall be signed by the depositor or his successor in title, or by his agent if any. It shall indicate:

- (a) the name, first names, and domicile, of the registered owner of the deposit, or, in the case of a legal entity, its name and headquarters;
- (b) where applicable, the name and address of the agent authorized to request maintenance in force;
- (c) the place, date, and serial number, of the deposit of the design;
- (d) in the case of a multiple deposit, the number of designs comprised in the deposit and the serial number of the designs whose deposit is being maintained;

- (e) the dates and serial numbers of the requests for prolongation and for publicity concerning the design, and the date on which it was laid open to public inspection by the Administration which is the custodian of the deposit;
 - (f) where applicable, the request provided for in Article 31 of the Annex referred to above to prolong the deposit until the end of the total term of protection of twenty years;
 - (g) the amount of the maintenance fee transferred to the Office, the method of transfer, and the date and number of the payment voucher.
- (3) The declaration shall be accompanied by:
- a certificate established by the Administration which is the custodian of the deposit, comprising a photographic print of the design, a copy of the explanatory statement, and all particulars relating to the deposit and the requests to which it has given rise, and stating the date on which it was laid open to public inspection;
 - where appropriate, the power of attorney of the agent;
 - where applicable, the payment voucher for the maintenance fee.

Article 34

The Office shall register the declaration after establishing that it is in order as to form and that the prescribed fee has been paid.

It shall return to the declarant a copy of the declaration, with the registration noted thereon.

Article 35

If the formalities have not been complied with, or if all or part of the fees have not been paid, a period of two months shall be allowed to the declarant to put matters in order. This period may be extended upon request, if the request is justified.

If matters are not put in order within the period allowed, the declaration shall be rejected.

Article 36

(1) If the request for prolongation provided for in Article 31 of Annex III referred to above is not made in the declaration maintaining the deposit in force, it shall be handed in at the Office or sent to it by registered mail with a request for acknowledgement of receipt, within the period of one year prescribed by the said Article.

(2) The request shall be signed by the depositor or his successor in title, or by his agent if any. It shall contain the particulars required by subparagraphs (a), (b), (c), (d), and (e), of paragraph (2) of Article 34.

(3) Designs whose deposit is prolonged up to the total term of protection of twenty years shall be published in the manner prescribed by these Regulations.

Article 37

The date of entry into force of these Regulations and of Annex III of the above-mentioned Agreement shall be fixed by decision of the Governing Body (Conseil d'Administration) of the Office, represented by its President.

The period of one year provided for in Articles 31 and 32 of the said Annex shall run with effect from that date.

Done at Yaoundé on July 20, 1963

A N N E X E S

- ANNEX A -- Application form for deposit of designs (DM.301)
- ANNEX B -- Declaration form for maintenance in force of deposited designs: transitional provisions (DM.302)
- ANNEX C -- Application form for publicity of designs (DM.303)
- ANNEX D -- Application form for maintenance in force of deposited designs up to twenty years (DM.304)

AFRICAN AND MALAGASY INDUSTRIAL
PROPERTY OFFICE
P.O. Box 887
YAOUNDE (CAMEROON)

APPLICATION FOR DEPOSIT OF DESIGNS (1)
(Agreement of Libreville of September 13, 1962 - Annex III)

- 1 -- AGENT - Name and address
.....
*Date of power of attorney
- 2 - DEPOSITOR - Name, first names (or designation), domicile
.....
*Nationality
- 3 - NUMBER AND NATURE of the designs deposited (2):
.....
.....
- 4 - Numbered fromto
- 5 - Explanatory statement appended to designs Nos.

6 -- The undersigned hereby declares that he/she has effected the above-mentioned deposit in the sealed envelope attached, in accordance with the provisions of Annex III of the Agreement of Libreville of September 13, 1962.

The undersigned requests:

- *immediate publicity, without maintenance in force up to 20 years, of designs Nos. (3)
- *immediate publicity, with maintenance in force up to 20 years, of designs Nos. (3)

Done at on Signature:

7 - DOCUMENTS DEPOSITED:

Space reserved for OAMPI and the Clerk of Court

- 1. Application 1
- 2. Power of attorney (where applicable)
- 3. Document or voucher attesting payment of fees
- 4. Sealed envelope (weight

<u>Minute relating to deposit</u>	<u>Registration</u>
No.	The above-mentioned deposit
The above-mentioned deposit was effected on	was registered at
.....	OAMPI on the date
nineteen hundred	of deposit under
and sixty.....	the No.
athours
.....minutes	

Initials:

Initials:

8 - PAYMENT OF FEES to OAMPI (*In cash to OAMPI *C.C.P. Douala 38.16 *Société Camerounaise de Banque - Account No. 31-75079).

*Date:

*Method of Payment: Cash Postal order Postal transfer

Bank cheque Bank transfer

*Detailed account:

Deposit fee	_____
Fee per design	_____
Special fee for deposit of specimen	_____
Publicity fee	_____
Fee for maintenance in force per design ...	_____

Amount paid

CFA Francs

9 - Sundry particulars:

Entries in the Special Register of Designs

- (1) Applications for deposit must be handed in or sent by registered mail with a request for acknowledgement of receipt, in four copies, to the African and Malagasy Industrial Property Office (OAMPI), P.O. Box 887, YAOUNDE (CAMEROON)
- (2) Indicate briefly, without details or description, the nature of the designs deposited.
Specify whether the three-dimensional design is deposited in the form of a specimen (object).
- (3) Delete where inapplicable.

N.B. Do not fold the form.

AFRICAN AND MALAGASY INDUSTRIAL
PROPERTY OFFICE
P.O. Box 887
YAOUNDE (CAMEROON)

APPLICATION FOR PUELCITY OF DESIGNS (1)

(Agreement of Libreville of September 13, 1962 .. Annex III)

- 1 - AGENT - Name and address:.....
- 2 - REGISTERED OWNER OF DEPOSIT Name, first names (or designation),
domicile
- 3 - DEPOSIT: *Place..... *Date..... *No.
- 4 -- NUMBER of designs included in the deposit:
- 5 - SERIAL NUMBERS of the designs forming the subject of the applica-
tion.....
- *for immediate publicity without a request for maintenance in
force for up to twenty years (2)
- *for immediate publicity with a request for maintenance in force
for up to twenty years (2)

6 - The undersigned hereby makes the present application in accord-
ance with the provisions of Annex III of the Agreement of
Libreville of September 13, 1962.

Done at..... on.....

7 - DOCUMENTS ENCLOSED with
application.

Signature:

* power of attorney (where
applicable)

Space reserved for
OAMPI

Registration

This application was registered at
OAMPI on

Initials

8 .. PAYMENT OF FEES to OAMPI (*In cash to OAMPI *C.C.P. Douala 38 16
*Société Camerounaise de Banque -- Account No. 31-75074).

*Date:

*Method of payment: Cash Postal order Postal transfer

 Bank cheque Bank transfer
*No. of payment voucher.....

*Detailed account:

 Publicity fee _____

 Fee for maintenance in force for up to
 20 years _____

 Amount paid CFA Frs

=====

9 .. Sundry particulars

=====

(1) Applications for publicity must be handed in or sent by registered mail with a request for acknowledgement of receipt, in duplicate, to the African and Malagasy Industrial Property Office (OAMPI), P.O. Box 887, Yaoundé (Cameroon).

(2) Delete where inapplicable.

N.B. Do not fold the form.

AFRICAN AND MALAGASY INDUSTRIAL
PROPERTY OFFICE
P.O. Box 887
YAOUNDE (CAMEROON)

APPLICATION FOR MAINTENANCE IN FORCE
OF DESIGNS FOR TWENTY YEARS (1)

(Agreement of Libreville of September 13, 1962 - Annex III)

- 1 - AGENT - Name and first names:
- 2 - REGISTERED OWNER OF DEPOSIT - Name, first names (or designation),
domicile
- 3 - DEPOSIT: *Place: *Date: *No.
- 4 - DESIGNS forming the subject of application for maintenance for up
to twenty years.....
*Designs already published (2): *Number..... Nos.
*Designs not yet published (2): *Number..... Nos.

5 - The undersigned hereby makes this application in accordance with
the provisions of Annex III of the Agreement of Libreville of
September 13, 1962.

Done at..... on.....

Signature:

- 6 - DOCUMENTS ENCLOSED with
application.
- * Power of attorney (where
applicable)

Space reserved for OAMPI

Registration

This application was registered
by OAMPI on

Initials:

8 - PAYMENT OF FEES to OAMPI (*In cash to OAMPI *C.C.P. Douala 38.16
*Société Camerounaise de Banque - Account No. 31-75074).

*Date.....

*Method of payment: Cash Postal order Postal transfer
 Bank cheque Bank transfer

*No. of payment voucher.....

*Detailed account of maintenance fee:

Fee for maintenance in force up to 20 years.... _____
Supplementary publicity fee..... _____
(for designs not yet published)
Amount paid..... _____
CFA Frs.

9 - Sundry particulars

(1) Applications for maintenance in force up to twenty years must be handed in or sent by registered mail with a request for acknowledgment of receipt, in duplicate, to the African and Malagasy Industrial Property Office (OAMPI), P.O. Box 887, YACUNDE (CAMEROON).

(2) Delete where inapplicable.

N.B. Do not fold the form.