



**COPYRIGHT**

**LAW**

**PROPERTY**

**PATENTS**

## Important developments to OAPI Procedure

Perhaps following recent ARIPO developments, OAPI has also announced several changes and additions to law and procedure across all services: Copyright, Trademarks, Patents and Industrial designs.

The governing treaty (**Bangui Agreement**), will be amended to cater for such changes as follows:

Service	Expected changes	Timeline
Copyright	Overall modernisation of the laws in line with digitisation, data protection etc.	2021
Trademarks	Provision for international registrations; an extension of the definition of a trademark to cover non-traditional marks; the introduction of protection for certification marks; provision for goods and services to be included in a single application; publication after filing; provision for third-party opposition; a five-year prescription term for infringement claims; Customs Watch provisions; extended protection for Geographical Indications.	2021
Patents	Introduction of substantive examination and opposition	2022

Industrial Designs	New provisions for opposition	2021
Enforcement	Introduction of mediation & arbitration; enhancement of anti-counterfeiting procedure; appeals against rejections; confirmation that the civil courts of the member countries have the right to rule on the validity and ownership of all IP rights. etc.	2021

In addition, there shall be general changes such as deferral of fees and allowance of processing delays in times of crisis such as Covid-19 pandemic, as was done by ARIPO. Overall, the first changes will take effect in 2021 (copyright, trademarks and industrial designs), whilst patents will take effect in 2022.

As is expected in international treaties, the amendments of the Bangui Agreement may take some time as this requires assent of all members states as well as capacity challenges to be dealt with especially for substantive examination services. We continue to monitor the space for updates on actual dates of effect.

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