

COMPANIES AND INTELLECTUAL PROPERTY AUTHORITY (CIPA) (BOTSWANA)

**AS
DESIGNATED (OR ELECTED) OFFICE**

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List of abbreviations:

Office: Companies and Intellectual Property Authority (CIPA) (Botswana)

IP Act: Industrial Property Act, 2010

SUMMARY

**Designated
(or elected) Office**

SUMMARY**BW**

**COMPANIES AND INTELLECTUAL
PROPERTY AUTHORITY (CIPA)
(BOTSWANA)**

BW

Summary of requirements for entry into the national phase

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: ¹	English
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: Botswana pula (BWP) For patent: Application fee: ¹ BWP 150 ² 300 ³ Annual fee for the first year: BWP 30 ² 60 ³ For utility model certificate: Application fee: ¹ BWP 90 ² 180 ³ Annual fee for the first year: BWP 50 ² 100 ³
Exemptions, reductions or refunds of the national fee:	Reductions of the national fee are indicated under "National fee" above.

[Continued on next page]

¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).

² Applicable in case of filing by individuals and small entities whose number of employees does not exceed 100 persons.

³ Applicable in case of filing by companies other than small entities.

SUMMARY

**Designated
(or elected) Office**

SUMMARY

BW

**COMPANIES AND INTELLECTUAL
PROPERTY AUTHORITY (CIPA)
(BOTSWANA)**

BW

[Continued]

Special requirements of the Office
(PCT Rule 51*bis*):

Appointment of an agent if the applicant is not a resident of Botswana⁴

Name and address of the inventor if they have not been furnished in the “Request” part of the international application^{5,6}

Evidence of entitlement to file where the applicant is not the inventor^{5,6}

Document evidencing a change of name or person of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306)⁶

Who can act as agent?

Any attorney or lawyer registered in Botswana

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter.2*)?

Yes, the Office applies the “due care” criterion to such requests

⁴ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

⁵ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

⁶ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within two months from the date of the invitation.

THE PROCEDURE IN THE NATIONAL PHASE

BW.01 FORM FOR ENTERING THE NATIONAL PHASE. The Office has available a special form for entering the national phase (see Annex BW.II). This form should preferably (but need not) be used.

BW.02 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as originally filed (see National Phase, paragraphs 6.002 and 6.003).

BW.03 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex BW.I.

IP Act Sec. 22
23 **BW.04 EXAMINATION.** All applications shall be examined prior to grant of a patent. Substantive examination of the patent application will be carried out by the African Regional Intellectual Property Organization (ARIPO).

IP Act Sec. 130 **BW.05 POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney if the applicant is not a resident of Botswana. If a power of attorney is not filed at the time of entry into the national phase, it may be filed within one month from the date of filing of the application. The Registrar may, upon request by the applicant, extend the time for filing the power of attorney.

IP Act Sec. 28 **BW.06 ANNUAL FEES.** Annual fees are payable for the first and each subsequent year following the international filing date. Annual fees are due on the eve of each anniversary of the international filing date. Payment of annual fees may still be made within 6 months from the due date, subject to the payment of a surcharge. The amounts of the annual fees and the surcharge fee for late payment are indicated in Annex BW.I.

IP Act Sec. 13 **BW.07 AMENDMENT OF THE APPLICATION.** The applicant may, at any time before the patent is granted, make amendments to his application, provided that the amendment does not go beyond the original disclosure. Any amendment shall be subject to the payment of a fee (see Annex BW.I).

BW.08 FEE FOR GRANT. A fee for grant must be paid (see Annex BW.I).

IP Act Sec. 18, 44 **BW.09 CONVERSION.** An international application for a patent may be converted into a utility model, and vice-versa, after the applicant has complied with the requirements for entry into the national phase. Conversion may be requested at any time before the grant or refusal of a patent. The conversion is subject to the payment of a fee indicated in Annex BW.I.

IP Act Sec. 28 **BW.10 PATENT TERM.** The patent term expires at the end of 20 years from the filing date

IP Act Sec. 17(8) **BW.11 RESTORATION OF THE RIGHT OF PRIORITY.** A request for the restoration of the right of priority may be filed with the Office where the applicant, in spite of all due care required by the circumstances, failed to timely file the international application within the priority period (see National Phase, paragraphs 6.006 - 6.011).

FEES

(Currency: Botswana pula)

	Patent	Utility model
Application fee ¹	300	180
Annual fees: ¹		
— for the 1 st year	60	100
— for the 2 nd year	240	120
— for the 3 rd year	300	140
— for the 4 th year	340	160
— for the 5 th year	400	180
— for the 6 th year	440	200
— for the 7 th year	480	220
— for the 8 th year	540	
— for the 9 th year	580	
— for the 10 th year	640	
— for the 11 th year	680	
— for the 12 th year	720	
— for the 13 th year	780	
— for the 14 th year	820	
— for the 15 th year	880	
— for the 16 th year	920	
— for the 17 th year	960	
— for the 18 th year	1,020	
— for the 19 th year	1,060	
— for the 20 th year	1,120	
Surcharge for late payment of annual fees ¹	100	100
Grant and publication fee ¹	300	300
Fee for amendment of application ¹	40	40
Fee for conversion of an application for a patent into an application for a utility model and <i>vice-versa</i> ¹	140	140

How can payment of fees be effected?

The payment of fees to the Office must be effected in Botswana pula. All payments must indicate the application number, the name of the applicant and the type of fee being paid.

¹ Fees are reduced by 50% if the applicant is an individual or a small entity whose number of employees does not exceed 100 persons.

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FIRST SCHEDULE – FORMS

FORM 1
APPLICATION FOR A PATENT OR UTILITY MODEL CERTIFICATE
(regulation 3)

MARKS, PATENTS AND DESIGNS OFFICE INDUSTRIAL PROPERTY ACT, 2010	
APPLICATION FOR A PATENT OR UTILITY MODEL CERTIFICATE To: The Registrar [Address]	For Official Use Date of Receipt by Registrar's Office: APPLICATION No.: (Office's Stamp) FILING DATE: Applicant's or Representative's File Reference:
THE APPLICANT(S) REQUEST(S) THE GRANT OF A <input type="checkbox"/> PATENT <input type="checkbox"/> UTILITY MODEL CERTIFICATE IN RESPECT OF THE FOLLOWING PARTICULARS:	
I. TITLE OF INVENTION:	
II. APPLICANT(S)* Additional information is contained in supplementary box <input type="checkbox"/> Name: Address: Nationality: Country of residence or principal place of business: Tel. No.: Telegraphic Address: Telex No.: Fax No.:	

* The data concerning each applicant must appear in this box or, if the space is insufficient, in the supplementary box.

(Form 1, first page)

Form 1 (cont'd)

<p>III. AGENT</p> <p>The following agent has been appointed by the applicant(s) in the power of attorney</p> <p><input type="checkbox"/> accompanying this Form <input type="checkbox"/> to be filed within one month from the filing of this Form</p> <p>Name:</p> <p>Address:</p> <p>Tel. No.: Telegraphic Address: Telex No.: Fax No.:</p>
<p>IV. INVENTOR</p> <p><input type="checkbox"/> The inventor is the applicant Additional information is contained in supplementary box <input type="checkbox"/></p> <p>If inventor is not the applicant:</p> <p>Name:</p> <p>Address:</p> <p>The statement justifying the applicant's right accompanies this Form <input type="checkbox"/></p>
<p>V. DIVISIONAL APPLICATION</p> <p>This application is a divisional application <input type="checkbox"/>. The benefit of the <input type="checkbox"/> filing date <input type="checkbox"/> priority date of the initial application is claimed in as much as the subject matter of the present application is contained in the initial application identified below.</p> <p>Initial Application No.:</p> <p>Date of filing of initial application:</p>

(Form 1, second page)

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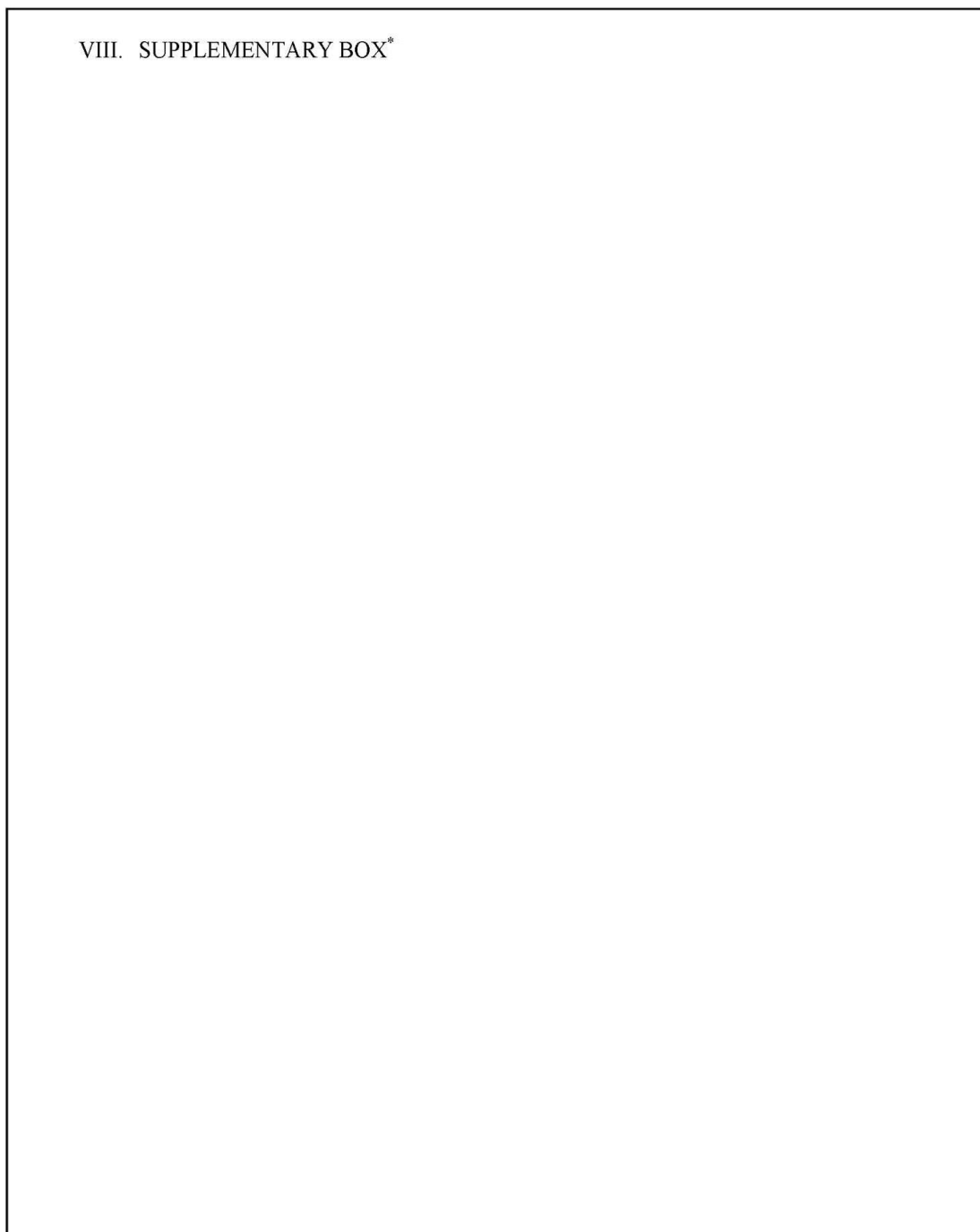
Form .1 (cont'd)

<p>VI. DISCLOSURES TO BE DISREGARDED FOR PRIOR ART PURPOSES</p> <p>Disclosure occurred not more than six months before the filing date or priority date of the present application</p> <p><input type="checkbox"/> by reason or in consequence of acts of the applicant or his predecessor in title.</p> <p><input type="checkbox"/> of an abuse committed by a third party with regard to the rights of the applicant or his predecessor in title.</p> <p><input type="checkbox"/> Additional information is contained in a statement accompanying this Form.</p>			
<p>VII. PRIORITY DECLARATION (if any)</p> <p>The priority of (an) earlier application(s) is claimed as follows <input type="checkbox"/></p> <p>The priority of more than one earlier application is claimed; the data are indicated in the supplementary box <input type="checkbox"/></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; vertical-align: top;"> <p>Country (if the earlier application is a regional or international application, indicate the office with which and the countries for which it was filed):</p> </td> <td style="width: 40%; vertical-align: top;"> <p>Filing Date:</p> <p>Application No.:</p> <p>Symbol of the International Patent Classification:</p> <p><input type="checkbox"/> not yet allocated</p> </td> </tr> </table> <p>The certified copy of the earlier application <input type="checkbox"/> accompanies this Form. <input type="checkbox"/> will be furnished upon request by the Registrar, as prescribed by Rule 20(5).</p> <p>The English translation of the earlier application <input type="checkbox"/> accompanies this Form. <input type="checkbox"/> will be furnished upon request, as prescribed by Rule 20(6).</p>		<p>Country (if the earlier application is a regional or international application, indicate the office with which and the countries for which it was filed):</p>	<p>Filing Date:</p> <p>Application No.:</p> <p>Symbol of the International Patent Classification:</p> <p><input type="checkbox"/> not yet allocated</p>
<p>Country (if the earlier application is a regional or international application, indicate the office with which and the countries for which it was filed):</p>	<p>Filing Date:</p> <p>Application No.:</p> <p>Symbol of the International Patent Classification:</p> <p><input type="checkbox"/> not yet allocated</p>		

(Form. 1, third page)

Form 1 (cont'd)

VIII. SUPPLEMENTARY BOX*



* Use this box if any of the boxes is not large enough to contain information to be furnished. Indicate the boxes continued in this box by their roman numerals and title (e.g., "II. APPLICANT(S) (continued)").

(Form 1, fourth page)

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Form 1 (cont'd)

<p>IX. CHECKLIST (TO BE FILLED IN BY THE APPLICANT(S))</p>	
<p>A. This application contains the following:</p> <p>1. request sheet(s)</p> <p>2. description sheet(s)</p> <p>3. claim(s) sheet(s)</p> <p>4. abstract sheet(s)</p> <p>5. drawing(s) sheet(s)</p> <p style="text-align: right;">Total <input type="checkbox"/> sheets</p>	<p>B. This Form, as filed, is accompanied by the items ticked below:</p> <p><input type="checkbox"/> separate signed power of attorney</p> <p><input type="checkbox"/> statement justifying the applicant's right</p> <p><input type="checkbox"/> statement that certain disclosures be disregarded</p> <p><input type="checkbox"/> priority document(s) (certified copy of earlier application(s))</p> <p><input type="checkbox"/> English translation of earlier application(s) on which priority declaration is based</p> <p><input type="checkbox"/> application fee</p> <p><input type="checkbox"/> other document(s) (specify)</p>
<p>C. Figure number of the drawings (if any) is suggested to accompany the abstract for publication</p>	
<p>X. SIGNATURE(S)*</p> <p>..... (Applicant(s)/Agent) (Date)</p> <p>..... (Applicant(s)/Agent) (Date)</p>	
<p>* Type name(s) under signature.</p>	
<p>TO BE FILLED IN BY THE REGISTRAR</p>	
<p>1. Date of receipt of corrections or later filed documents completing the application:</p>	
<p>2. Date fees received:</p>	

(Form 1, fifth and last page)