



European  
Commission

**AFRICA**  
IP SME HELPDESK

# OAPI TRADE MARKS GUIDE 2024



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### 1. What is OAPI?

<b>French Name</b>	The Organisation Africaine de la Propriété Intellectuelle
<b>English Name</b>	The African Intellectual Property Organisation
<b>Organisation Type</b>	Intergovernmental intellectual property organisation
<b>Location:</b>	Headquartered in Yaoundé, Cameroon
<b>Legal Basis</b>	Established by the Bangui Agreement of March 2, 1977
<b>OAPI's main Objective</b>	To promote collaboration among member states in the field of intellectual property, facilitating the sharing of resources and networks
<b>Number of current Members States</b>	17
<b>List of Member States</b>	Benin, Burkina Faso, Cameroon, the Central African Republic, Chad, the Comoro Islands, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal and Togo

### 2. What are the main differences between OAPI and ARIPO trade marks?

<b>OAPI</b>	<b>ARIPO</b> (African Regional Intellectual Property Organization)
Member States do not have national trade mark offices	Member States have national trade mark offices
First-to-file system applies	First -to file system also applies
Nice Classification of goods and services applies	Nice Classification also applies
Multi- class filing system – but separate application is required for service classes	Multi-class – can include goods and service classes in one application.



Can claim Paris Convention priority – 6 months	Can also claim Paris Convention priority – 6 months.
Filing languages: English and French	Filing language: English only.
Conducts formal and substantive of trade marks and registers them on behalf of Member States	ARIPO conducts a formalities examination. Member States conduct substantive examination. ARIPO then registers on behalf of Member States.
Application and registration cover all OAPI Member States	Applicant can select (designate) any or all ARIPO Member States that are signatories to the Banjul Protocol of Marks.  <b>Note:</b> Not all ARIPO Member States are signatories to this Protocol. Find out more <a href="#">here</a> .
Opposition proceedings are handled by OAPI	<b>ARIPO phase:</b> Opposition applications can be centrally filed in ARIPO based on the legal and procedural requirements of each designated state.  ARIPO transmits the filed oppositions to the designated states  You can also file directly in the national IP office of the designated states  <b>National phase</b>  Opposition is processed based on the national trade mark laws and procedures of the designated state/s according to national laws.  <b>Note:</b> Ensure strict compliance with national laws and procedures and timelines of the designated states to avoid losing rights. It is advisable to seek legal representation in opposition matters.
Registered trade mark is valid and legally recognised in all Member States	Registration is valid only in the designated states
Enforcement is handled in the OAPI state in which the trade mark is infringed based on the Bangui Agreement.	Enforcement proceedings must be instituted in the designated state where infringement occurs, based on the national law of each designated state.





Member of the [Madrid System](#) concerning the international registration of trade marks

Can file a Madrid Protocol trade mark application.

Not a member of the Madrid System, you cannot file international trade mark applications through this office.

### 3. What can be registered as a trade mark in OAPI?

Words, logos, three-dimensional marks, combinations of colours, sounds, and audiovisual signs. This broad definition allows businesses to protect the visual and auditory elements that distinguish their goods or services in the market.

### 4. What are the minimum filing requirements for obtaining a filing date?

- Applicant's details – full name, physical address, legal status, nationality
- Representation of a trade mark; a list of the goods and/or services
- Proof of payment of the prescribed fee.

These documents can be filed within **3 months** of the application filing date:

- Power of Attorney, if the applicant is represented
- Priority document, if priority is claimed.

### 5. What are the requirements for the Power of Attorney?

- Notarisation – not required
- Legalisation – not required
- Required – a scanned copy of a signed Power of Attorney referencing the name and capacity of the person who signs it, as well as the date and place of execution,
- Submission timeline - not later than 3 months from OAPI's official action requesting the document

**Note:**

- Notarisation involves a notary public (a lawyer specialised in checking documents to confirm that they are genuine and can be relied upon) verifying a signature on a document.
- Legalisation involves certifying documents (especially for international use). Notarisation is a simple verification, while legalisation is a more comprehensive certification process.

### 6. What are the requirements for the priority document?

- Must be certified
- Be in English or French
- Filed within 3 months from the filing of the trade mark application.

**Note:**

- A priority document is a certified copy of an earlier application filed for the same trade mark in a different country.





## 7. What are the reasons for the refusal to register a trademark in OAPI?

OAPI can refuse to register a trade mark based on relative and absolute grounds.

Relative grounds include the existence of identical or similar trade marks for similar goods or services. Absolute grounds include refusal trade marks that describe the goods or services applied for protection, violate the law, public order or morality, or reproduce official symbols without authorization

## 8. What steps do I take to register a trade mark in OAPI?

It is advisable to obtain legal advice on the registration procedure, but you can consider taking the following steps:

### Step 1: Conduct a Search

You can use the OAPI online search tool as follows:

- Go to the OAPI website: [www.oapi.int](http://www.oapi.int)
- Select the "Trademarks" tab.
- Click on the "Trademark Search" button and follow the prompts

It is advisable to conduct a search before applying to register your trade mark. This ensures there are no existing trade marks that could hinder the registration of your proposed mark. If you identify trade marks that could hinder registration, you can amend or change your trade mark so that when you apply to register you are unlikely to encounter objections based on confusingly similar marks.

### Step 2: Prepare and File the Application

#### Prepare the Application:

- Complete the prescribed application form, filling in all the required information, including the list of goods and/or services
- Check for procedural requirements – for example, do not include goods and service classes in one application
- Check the required supporting documents – Power of Attorney and priority documents, ensure they have been signed properly and are in an acceptable form and language. If not, you can file these documents after you have filed your application
- Pay the prescribed fees and include proof of payment in your application's supporting documents.

### Step 3: Submit the Application to OAPI:

- Check that you have all the required documents that must be filed.
- It is advisable to prepare a checklist of the documents you will file is advisable.
- Submit it to the OAPI office through OAPI's website, [www.oapi.int](http://www.oapi.int) and follow the prompts.

### Step 4: Examination by OAPI

**Formal and Substantive Examination:** OAPI conducts a formal examination to ensure the application meets all legal requirements. If the formal requirements are not met, OAPI will notify you and allow you to correct the application.





OAPI will also conduct a substantive examination to check that the application complies with all the necessary legal requirements and will notify you if the application has been accepted or provisionally refused so that you can attend to the application reason for the refusal.

If OAPI does not raise objections, the applications will be accepted and advertised in the Journal for third parties to file opposition if they believe there are grounds on which the trade mark should not be registered to you. The opposition period is 3 months, which cannot be extended.

**Step 5: Oppositions and Response:** OAPI will inform the applicant if any oppositions are filed. You must respond to any opposition or office actions within the specified time. If you are unsure, you must check with OAPI or your lawyer to clarify the specified time.

**Step 6: Registration:** If the application is not opposed or if opposed, the opposition has been concluded in your favour, then the application proceeds to what is called the “sealing fees” stage when the registration certificate is prepared and issued to you to complete the trade mark registration process.

**Step 7: Post-registration maintenance and renewal:** To avoid losing rights to your trade mark, you must ensure you comply with all the necessary legal requirements that apply after the trade mark has been registered. These include filing a Declaration of Use in the third year after registration and renewing the registration within 12 months before its 10th anniversary and every 10 years afterwards.

## 9. What are the estimated registration costs of an OAPI trade mark?

OAPI's fees change over time. Therefore, it is a good practice to always check the applicable fees with OAPI or a trusted IP agent before you begin your trade mark registration journey. OAPI's fees are payable in CFA francs (XOF). You can make these payments through cash, check, or bank transfers. As a guide, below are USD estimates of the OAPI fees you can expect to pay. You must have a separate budget for professional fees if you intend to hire a lawyer.

Action	OAPI's Fees (USD est.)
Trade mark search – 1 <sup>st</sup> class	165
Trade mark search – each additional class	17
Proprietor search (to check trade mark details owned by a specific owner)	209
Complete trade mark registration fees from filing to completion of registration – 1 <sup>st</sup> class	630
Registration costs – each additional class	130
Priority claim fees, if applicable	130

## 10. How do SMEs benefit from changes made to OAPI trade marks in 2022?

The Bangui Agreement was amended for the third time, effective 2 January 2022, following previous amendments in 1999 and 2015.





The changes introduced in 2022 aimed at modernising the OAPI trade mark system and improving its efficiency and accessibility. These changes benefit SMEs significantly in the following ways:

- **Online filing of applications**

The 2022 amendment contained provisions for introducing an online trade mark application filing system. OAPI launched the system on 3 June 2024. It allows for the online filing of trademark applications, submissions of trademark searches, renewals, and applications for recordal of changes and oppositions to trademark applications.

Before introducing this system, SMEs had to incur travel costs to re-file applications and supporting documents or engage lawyers physically. Lawyers' fees are usually expensive, so some SMEs were discouraged from filing applications to register their trade marks. The online filing system removes these barriers and makes it easier for the broader participation of SMEs in registering their trade marks.

- **Substantive Examination of Applications**

OAPI started conducting substantive examinations of trade mark applications in July 2023. Substantive examination refers to the thorough review conducted by a trade mark examiner to ensure that an application meets the legal requirements for registration.

This change aligns with global standards and aims to improve the quality and scrutiny of trade marks registered under OAPI's jurisdiction.

- **Reduced registration timeframes**

The several changes made to streamline OAPI's processes mean SMEs can expect to register their trademarks in a shorter period of 6-9 months, unlike in the past, when registration took longer to complete, usually between 12 and 18 months. This period was too long for most SMEs, discouraging them from seeking trade mark registrations.

- **Substantive Examination of Applications**

In July 2023, OAPI started substantive examination of trade mark applications in a move to align more closely with global standards. Substantive examination refers to the thorough review conducted by a trade mark examiner to ensure that an application meets the legal requirements for registration. This benefits SMEs by strengthening the validity of the registered trade marks, providing them with stronger protection for their brand identity, which is crucial for building consumer trust and market presence.

- **Division of Applications**

It is now possible to divide a trademark application in the event of an objection by OAPI. SMEs handling their own trademark registrations often encounter objections, especially on technical grounds. The division of applications assists SMEs in retaining the initial filing date of their applications even if they abandon other classes of an application to overcome an objection.

- **Broadened Trade Mark Types**

The amendment authorised OAPI to accept sound marks and other non-traditional trade marks, broadening the scope of protectable intellectual property. This development benefits SMEs in that they can now register these new trade marks in response to evolving trade mark practices and the needs of modern businesses.





## 11. In summary, what do I need to know about OAPI trade marks?

Madrid System international trade marks	Registrable
Estimated registration time – OAPI marks	12-15 months
Examination time	<b>6 months</b>
<b>Journal publications</b>	2 - after acceptance and after registration
Opposition period	3 months from the Journal publication date, cannot be extended
Duration of protection	10 years from the application filing date, renewable
Declaration of Use	Filing is mandatory, due in the 3rd year after registration
Use: cancellation and period	Any interested party can file a cancellation application if the mark has not been used for 5 uninterrupted years before the filing date of the cancellation application
Use: requirement	Use in one OAPI Member State satisfies the use requirement for all Member States
Renewal	Every 10 years, can be filed within 1 year before expiry
Grace period for late renewal	6 months after the due date, with prescribed penalty fees.
Searches	Submit online requests to OAPI, results take 4-7 business days
Search for a device mark	<b>Possible</b>
Time required to complete the search: 5 days.	Time required to complete the search: 5 days

## 12. What tips can you give on OAPI trade marks?

Conduct thorough clearance searches before filing your trade mark application	Ensure your trade mark does not infringe on existing trade marks to prevent legal challenges in the future.
Prepare your applications carefully:	Complete the application forms meticulously and attach all required







	supporting documents in the correct format to avoid delays.
Monitor registration progress:	Follow up on your application routinely after filing to stay informed about its status and address any inquiries or requirements from OAPI promptly.
Maintain your trade mark after registration to avoid losing rights	Comply with use requirements and registration conditions, if applicable.  Monitor the use of your trade mark to ensure it is not being infringed upon.  Renew the trade mark timeously in the specified time and pay the prescribed fees.
Enforce your rights	Be attentive to the unauthorised use of your trade mark.  Take appropriate actions against infringers, including sending cease-and-desist letters or pursuing legal action
Work with enforcement officials.	Be aware of how the police, customs and other intellectual property rights enforcement organisations can assist you; create beneficial relationships with them.
Invest in professional guidance	Consult a reputable intellectual property lawyer for guidance and to ensure compliance with the relevant latest legal developments.

**Contacts us:**

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