



# Patent Registration in Zimbabwe

## INTRODUCTION

The document gives procedures to be followed in the application and filing of a patent at the Zimbabwe Intellectual Property Office (ZIPO). ZIPO was officially opened in 1894. It opened as a section under the Deeds Office, a set up still existing today. Within ZIPO are various registers maintained by the Controller of Patents, Trademarks and Designs.

## WHAT IS A PATENT?

A patent is an exclusive right granted for an invention, which is a product or a process that provides or offers a new technical solution to a problem.

## WHAT CANNOT BE PATENTED?

- Mere discoveries
- Scientific theories and mathematical methods
- Commercial methods
- Applications against established natural laws
- Plant or animal varieties etc.

## THREE REQUIREMENTS FOR PATENTABILITY

1. **Novelty:** An invention is new if it does not form part of prior art (unknown)
2. **Inventive Step:** This means that the invention must not be obvious from prior art
3. **Industrial Applicability:** All inventions that can be used or produced in any field of industry

## WHAT KIND OF PROTECTION DOES A PATENT OFFER?

- The patent owner has the exclusive right to prevent or stop others from commercially exploiting the patented invention.
- Patent protection means that the invention cannot be commercially made, used, distributed, imported or sold by others without the patent owner's consent.

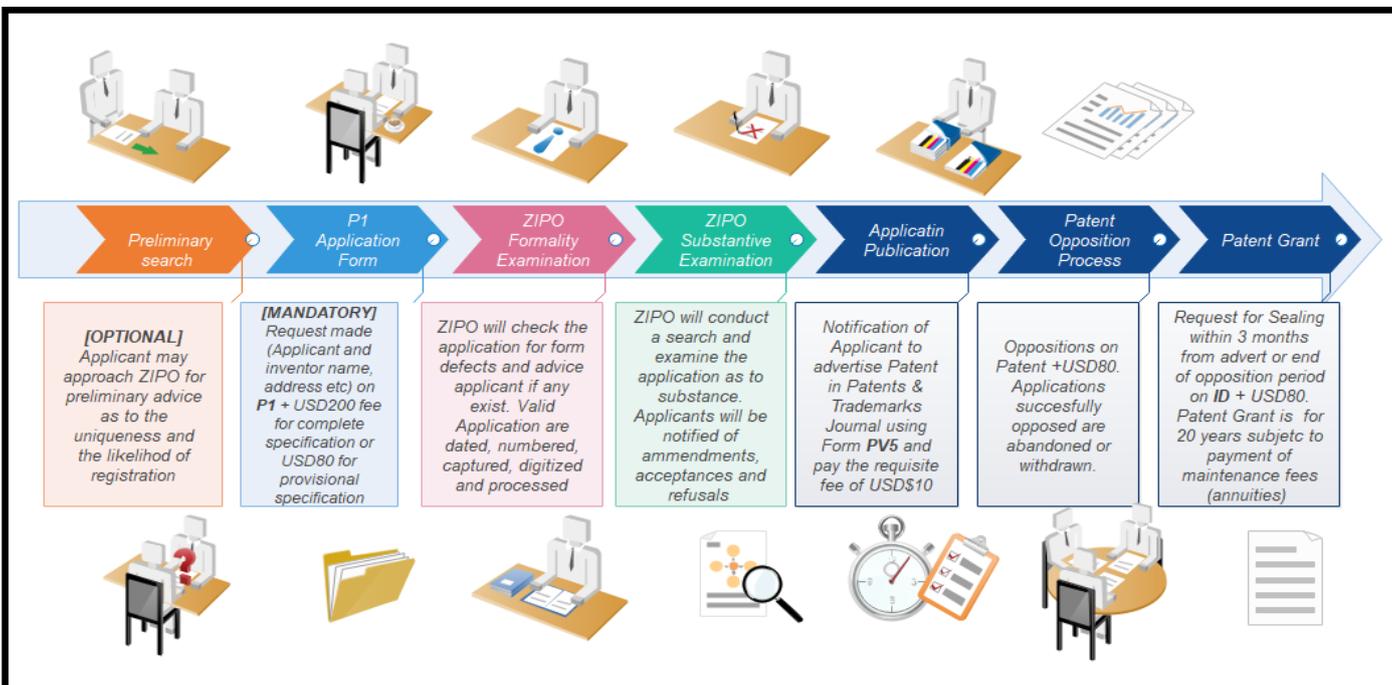
## IS A PATENT VALID IN EVERY COUNTRY?

- Patents are territorial rights. Meaning they are only applicable in the country or region in which a patent has been filed and granted, in accordance with the law of that country or region.

## HOW LONG DOES A PATENT LAST?

- The protection is granted for a limited period generally 20 years from the filing date of the application.

# Patent Filing Procedure in Zimbabwe



## Note

- The Patent Application can also be done using the regional Office, ARIPO. The patent registration is done in accordance with the Harare Protocol. Under the Harare Protocol an applicant files a single application through ARIPO or the contracting states. Currently, there are 18 Contracting States that are signatory to the protocol. Each application is treated separately in each territory so it can be accepted in some territories and refused in another.
- The Application can also be done using the international route done using the World Intellectual Property Office (WIPO). The registration is done in accordance with Patents Cooperation Treaty (PCT). The PCT System is a convenient way for filing a patent for consideration in multiple countries. The applicant files a single application through the PCT and indicates countries where protection is required. The PCT has 152 contracting states.

## IS THE DATE IMPORTANT?

The filing date is very important. It determines the state of the art which forms the basis for the examination in the filed country. Furthermore it prevents competitors from being granted a patent for the same invention based on a later application.

## ELEMENTS OF A PATENT APPLICATION

- Request for the grant of a patent
- Description of the invention: the description must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art. The description forms the basis for the patent claims.
- Naming of the inventor
- Address and nationality
- Name and address of the assignor (owner) even if they are the inventor
- Patent claims: the patent claims determine the scope of protection of the patent, that means they specify exactly the matter for which protection is sought.
- Drawings if any
- Abstract