

DLF Inventor Assistance Programme

1- Objectives of this programme

The main aim of the Inventor assistance programme is to help identify and protect promising inventions of inventors and SMEs who may not have the expertise and financial resources to do so by themselves.

In this brochure we provide a brief introduction of Dayspring Law Firm, the African Intellectual Property Organisation, key aspects of patents and the patenting process, as well as the benefits of the Inventor Assistance Programme.

2- Presentation of DLF

Dayspring Law Firm is a multidisciplinary practice with expertise in a plethora of practice areas including intellectual property law and consulting. We are also an industrial property agent firm with two (2) industrial property attorneys licensed by the African Intellectual Property Organisation (OAPI) and one patent engineer. With our team of experienced intellectual property professionals and lawyers, we strive to provide high quality legal and technical solutions in matters relating to intellectual property law.

In return for our privileged status as “licensed professionals”, we recognise that we have explicit and implicit obligations to protect the interests of clients, to promote the rule of law, and to generally provide services in the public interest. It is within this framework and in line with our objectives to contribute to the protection and commercialisation of inventions for economic development in Cameroon and other African countries that we designed the Inventor Assistance Programme.

3- About OAPI

The African Intellectual Property Organisation (OAPI) is the regional industrial property office covering the 17 Member States¹ to the Bangui Agreement ratified on 2 March 1977, and revised on

¹ The 17 Member states include Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo-Brazzaville, Côte d’Ivoire, Gabon, Guinea-Conakry, Guinea-Bissau, Equatorial Guinea, Mali, Mauritania, Niger, Senegal, Togo and the Comoros.

February 24, 1999 and December 14, 2015, respectively. OAPI has its headquarters in Yaoundé, Cameroon.

As an industrial property office, OAPI is mainly responsible for implementing and applying common administrative procedures relating to the protection of industrial property including receiving, examining and granting applications of industrial property titles including **patents, utility models**, trademarks and service marks, industrial designs, trade names, geographical indications, layout designs of integrated circuits, and plant varieties, amongst other procedures. The collective management of copyright and related rights is the responsibility of the collective management organisations in OAPI member states.

There is no national system of deliverance of industrial property titles that coexists with the regional OAPI system. However, there are national liaison offices² in every member state which act as intermediaries between national users and OAPI's Directorate General based in Yaoundé, Cameroon. All applications concerning industrial property titles are filed directly to the OAPI or indirectly through OAPI licensed agents³ or through in the different national liaison offices.

4- **What is an invention?**

An invention is an idea that permits a specific problem in the field of technology to be solved in practice. For example, a new chemical substance that can be used as a drug composition in the treatment of malaria. However, a mere presentation of the said chemical substance's structure and physicochemical properties would not be considered an invention as such.

An invention can be a product, a process or an improvement to either of these. Some examples of inventions include the following:

- New chemical compositions,
- Mechanical devices
- Isolated and characterised molecules
- Genetically modified microorganisms
- Industrial processes or methods

² You can see the complete list and address of national liaison offices on the OAPI website through the link: <http://oapi.int/index.php/fr/oapi/organisation/structures-nationales-de-liaison>

³ You will find the list of OAPI licensed Industrial property agents on the OAPI website through the following link: <http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi>

5- What is a patent?

A patent is a type of intellectual property (IP) title that is delivered for the protection of an invention. Intellectual property (IP) rights in general are the key engines that drive innovation by securing your investments in the development of new products and services. Patents in particular make sure you get compensated for your inventive efforts.

A patent owner has the right to control the use of his patented invention within a limited geographical area (based on the issuing State) and time (usually up to 20 years maximum). He can stop others from commercially exploiting (making, using and selling) the patented invention without his authorisation, within the territory of the issuing State. As such, a patent owner can commercialise his patent through **assignment** contracts, **license** agreements, or personal exploitation in his own **company** or **start-up**.

Different aspects of a product may be protected by patents and a variety of other IP rights including:

- A trademark which protects the brand used to market the product;
- A trade name for the name under which the producing company carries out his activities;
- An industrial design for the aesthetic aspects;
- Copyright for embedded computer programs;
- Trade secrets for confidential business information.

6- Right to a patent

Under patent law, the right to the patent belongs to the inventor and the ownership of this right goes to the applicant. When more than one person contributes in significant ways to the conception of an invention, they must be treated as **joint inventors** and mentioned as such in the patent application. If the joint inventors are also the applicants, the patent will be granted to them jointly.

In some cases, the invention is conceived by an employee or consultant of a company. In the absence of more favourable contractual provisions, the employer has the right to the patent (applicant) while the employee or consultant who conceived the invention is mentioned as the inventor in the patent application and has the right to receive supplementary remuneration or a fair price for the invention. Employee or consultant inventions conceived without the use of the employer's resources and outside the scope of the work contracts shall belong to the employee or consultant. In all cases the employee or consultant shall share all useful information on the said invention to the employer but must refrain from any public disclosure on the invention as this may jeopardize the successful application and grant of the patent for the said invention.

7- What is patentable? (criteria for patentability)

An invention may qualify for protection under a patent if it fulfils certain criteria specified and explained in the Articles 2-5 of Annex I of the Bangui Agreement of February 24, 1999. Only an invention that is new, involves an inventive step (non-obviousness) and is industrially applicable may be the subject of a patent. However, such an invention must be excluded from the list of **non-patentable subject matter** specified in Article 5.

7.1 Patentable subject matter

Patentable subject matter excludes inventions contrary to public policy and good morals, discoveries and scientific theories, plant varieties and animal species, schemes and methods of doing business, surgical and therapeutic methods of treatment on humans and animals, diagnostic methods applied to human or animal body, computer programmes, mere presentation of information, ornamental or aesthetic creations, literary, architectural and artistic works.

7.2 Novelty of an invention

An invention is considered new if it has some new characteristic which is not known in the body of existing knowledge in its technical field, so called “prior art”. This prior art includes all the relevant technical knowledge available to the public anywhere in the world prior to the **filing date** of your patent application, and includes patents, patent applications and non-patent literature of all kinds.

7.3 Inventive step

The patent system rewards effort invested in coming up with an invention or at least rewards some level of ingenuity. In order to benefit from a patent protection, your invention must involve an inventive step (non-obviousness) with respect to the prior art, i.e. a person of ordinary skill in the particular field of technology could not have put together the said invention.

7.4 Industrial applicability

For an invention to be patentable, it must be useful. The patent applicant may have to show that their invention satisfies a requirement for industrial application in any kind of industry in the broad sense, in one or more examples within his patent specification.

7.5 Examination of the patent application

After a patent is filed for an invention at the OAPI, a formal examination is carried out to ensure that all required documentation is duly filled, signed and included in the file. Once this is checked and validated, the application is subject to a technical examination where the **unity of Invention** and **clarity of the formulation of the claims** of the invention (claims must be limited to the description of the invention within the patent application) are checked.

Under the provisions of the Annex I of the Bangui Agreement of February 24, 1999, in force for patents, a substantive examination for novelty, non-obviousness and industrial applicability is not carried out by the OAPI. However, when the Annex I of the Bangui Agreement of December 14, 2015 comes into force, patent applications at the OAPI will be subject to substantive examinations.

8- The patenting process and associated costs

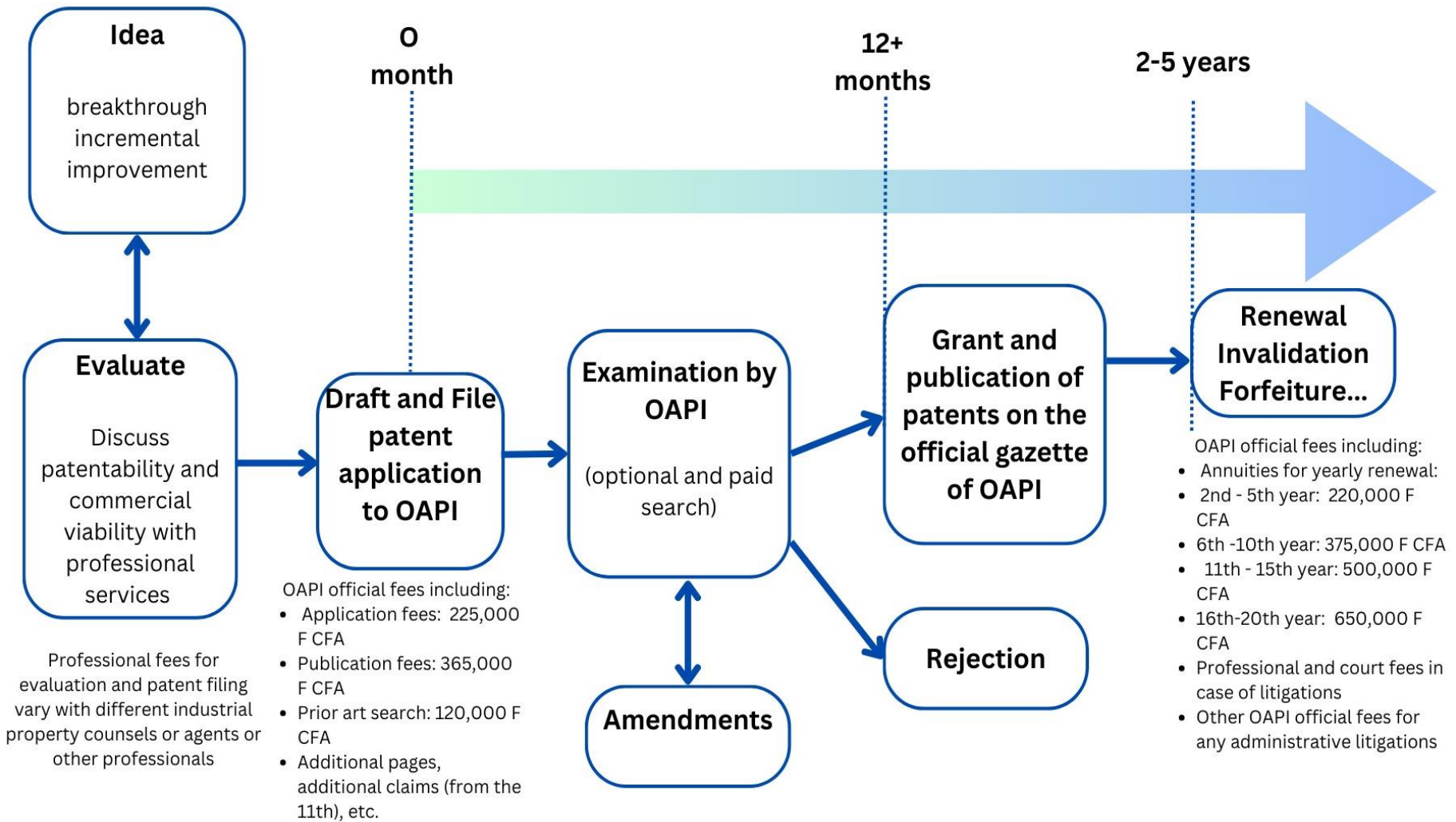
The process of obtaining a patent protection involves four main steps: **Filing** the application, the **publication** of the application (when Annex I of the Bangui Agreement of 2015 comes into force), the **examination** of the patent application, the **grant and publication** of the patent. Each stage incurs costs for administrative procedures and professional services. Nonetheless, prior-art search may be required upstream while renewal fees must be paid yearly to maintain the patent protection title downstream (*see the figure below*).

The “patenting” process begins with an inventive idea which can be formulated in an organised manner for evaluation of its patentability and commercial viability by a patent engineer or industrial property counsel or technology transfer agent in the applicable industry. Once patentability and commercial viability of the invention are established, the patent is drafted by a patent engineer or professional and the application documents are compiled and filed to the OAPI in Yaoundé. Patent applications are not yet published in the OAPI region. However, once the Annex I of the Bangui Agreement of 2015 comes into force, these will be published within 18 months from the filing date and third parties will have up to three months to file opposition or claim of ownership actions before the OAPI.

The OAPI proceeds to administrative examination against payment of filing and publication fees, ensuring that all formalities are respected. Once satisfactory, the application goes through a technical examination by a patent examiner at the OAPI who checks for clarity of the description, that the claims are clear and supported by the description and classifies the patent according to the international patent classification (IPC). During the examination of the application, there may be a

number of exchanges between the inventor/applicant or IP attorney (if represented by one) and OAPI where amendments are necessary or for notifications on the outcome of the patent application. To date there is no substantive examination of patent applications in the OAPI region. However, this will change when Annex I of the Bangui Agreement of 2015.

Once all administrative and legal requirements are met, the patent may be granted and published by the OAPI in their official gazette. In general, your patent remains valid for 20 years from the date it is first filed pending payment of annual renewal fees by the anniversary date of filing.



The process of obtaining a patent

9- About the Inventor Assistance Programme

Drafting a patent application, and communicating with the patent office about it, is a highly technical process which also entails significant costs. The Dayspring Law Firm Inventor Assistance Programme is designed to support inventors and small and medium-sized enterprises (SME) with the technical expertise at pro bono basis or concessional rates to help increase the chances of SMEs obtaining such a valuable asset. Through this programme, we intend to assist beneficiaries of this programme to identify and transform inventions (or potential innovations) into commercial assets. Selected inventors or SMEs will have access to our industrial property attorneys and patent engineers to accompany them through the OAPI patent system on a pro bono basis or at **a reduced cost**. The services covered under this programme include:

9.1 Legal counsel on appropriate form(s) of protection of disclosed invention or creation

A patent is one of the titles of protection for the technical aspects of innovations or inventions. Other such titles include utility model and plant variety certificates. Trademark and industrial design protection could be used for other non-technical aspects related to innovative products. Some aspects of the innovation may also benefit from trade secret protection under the national and regional unfair competition laws.

9.2 Drafting and filing patent applications.

Based on the information provided by the selected inventor or SMEs, we will draft your patent following the administrative norms of the OAPI. The official patent filing and publication fees are not covered within the inventor assistance program or by Dayspring Law Firm. The **applicable OAPI fees**⁴ will be paid by the client at the time of filing. Impecunious inventors or patent applicants may be eligible to the grant of subsidies⁵ covering part or all of filing, publication fees and renewal fees for the first 10 years following the filing date to the OAPI.

9.3 Managing patent applications

This includes filing divisional applications, amendments, conversions, withdrawal, and requests for prior art search and publication. A prior art search relates to an organised review of prior art material (all

⁴ The official patent filing fees include application fees and publication fees from 225,000 F CFA and 365,000 F CFA, respectively.

⁵ Individuals may benefit from a 90% subsidy on the OAPI filing fees, 100% on publication fees, length of patent specification, additional claims, correction of material errors and proposed modifications during technical examination and 80% subsidy on the renewal fees from the 2nd to the 10th year of the life span of the patent. Institutions may benefit from a 50% subsidy on the OAPI filing fees. These grants are available to resident individuals and institutions.

works available before the effective date of patent filing) available from public sources. Documents or other elements that may affect the outcome of a future patent application are identified, and the patentability of the invention is evaluated. At the end of the process, a search report and a written opinion on the patentability of an invention is delivered and the inventor or patent applicant either chooses to proceed or not to proceed with a patent application.

9.4 Other correspondence with the patent office and prosecution before the patent office

NB: Any official fees paid to the OAPI and any out-of-pocket costs necessary to complete the application remain the applicant/candidate's responsibility.

10- Selection process and criteria for eligibility

Selection of the best applicants will be done in two (02) stages as follows:

Stage I: Online application

You are required to complete the application form provided on our [website](#) and send the filled form in Word format (i.e. in DOC or DOCX, do not send in pdf format) to the following email faithazinwi@dayspringlaw.com.

Be sure to include, where possible, details about the strategic value of your invention and how it is new and different from existing solutions.

Subsequently, selected candidates will be required to provide a full description of the invention in question, for effective patent drafting by our industrial property counsels and patent engineers. This invention disclosure will remain confidential (between the inventor(s) or applicant(s) and the Firm) given that public disclosure of the invention prior to patent filing may compromise the novelty of the invention.

Stage II: Interview (onsite, Phone call, online call)

Pre-selected candidates will be contacted by email and invited for an interview via an appropriate media or at our office location.

The following criteria will be evaluated at both stages of the process:

- Resident or national of any one of the 17 Member states of the OAPI
- Demonstrate the potential economic and social impact of the invention in terms of job creation or development

- Demonstrate their need for the programme based on limited financial resources

Selected candidates will be invited for a first meeting and will subsequently work with our firm on the IP protection strategy for their invention. Our firm will help you navigate the patent application and grant procedure.

Selected candidates may also wish to explore markets outside the OAPI region such as Nigeria, Ghana and beyond and discuss the benefits of seeking protection abroad.

11- Categories of selected inventors and SMEs

Selected candidates will be divided into three main categories based on their financial resources or company size and will be charged differently for office costs and professional fees as follows:

Category	Office costs	Professional fees
1. Five (5) individuals with limited financial resources	200,000 F CFA	0%
2. Ten (10) individual entrepreneurs with limited financial resources	200,000 F CFA	25%
3. Fifteen (15) SMEs with limited financial resources	200,000 F CFA	50%

12- DLF-Inventor relationship

DLF will help you to draft and file a patent application for the invention that was specified in the IAP application selected by our selection board. If you have an improvement to your initial invention, or a new invention, you cannot ask DLF to help secure it. You will have to submit a new IAP application for the new or improved invention.

The IAP application form requires a brief description of the invention to help understand it in general. If it is needed for the selection process, invention details can be requested by DLF through a confidentiality form. The inventor will provide further details regarding their invention to DLF respecting relevant confidentiality requirements established by national laws and regulations. Note that as a law firm and as a licensed IP agent/attorney, we are bound by Attorney-client confidentiality.

From our first meeting, we will collaborate with the inventor on the IP protection strategy for the chosen invention. Our team will help you navigate the patent application and grant procedure. If you already

have an application submitted to the OAPI, DLF will assist you with managing your application, correspondence with, and prosecution before the OAPI.

If it's not done before contacting DLF, we can help you **to make or request for a prior art search** to have a clear picture on the chances to obtain a patent. The inventor may be required to take a step or pay a fee to start the prior art search.

For inventors who wish to protect their invention in other countries, we may discuss this option and assist you in connecting with an IP agent or IP agents in the chosen jurisdictions who can file on your behalf at your own expense through chosen application routes.

13- Calendar of activities

Period	Activity	Comments
1 September 2024 – September 30 2024	Online application for the Inventor Assistance Program	Interested applicants and inventors
October 2024	Screening of applications and interviews of pre-selected candidates	Done by the IP team of Dayspring Law firm
31 October 2024	Notification to selected candidates of their enrolment into the DLF IAP	Done by the IP team of Dayspring Law firm
1 November 2024	Examination of patents of selected candidates	Done by the IP team of Dayspring Law firm

14- Potential sponsors, patrons, benefactors and partners

We are open to work with sponsors, patrons, benefactors and partners, including corporations, banks, foundations, non-governmental organisations, health care organisations, public institutions, trade missions, trade organisations, diplomatic missions, schools, etc., to fund and support the IAP.