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Patent Requirements

International Arrangements

- Paris Union (from 6 July 1964)
- WIPO (from 11 June 1970)
- PCT (from 24 January 1978)
- ARIPO (from 25 April 1984)

Types of Patents Available

- Patents of Invention
- Patents of Addition
- National Phase PCT Application
- ARIPO Regional Phase PCT Application

Novelty Requirements

Novelty is destroyed by:

- the prior use or knowledge of the invention in Malawi by anyone other than the applicant or person from or through whom such applicant derives his title;
- working of the invention anywhere in Malawi otherwise than by way of reasonable technical trial or experiment by the applicant or person from or through whom such applicant derives his title;
- described in a patent specification available to public inspection;
- described in writing in any publication of which there was a copy anywhere in Malawi at the effective date of the application, or in a publication printed and published outside Malawi;
- claimed in any complete specification for a patent which was filed in Malawi before the filing date of the patent application for the invention.

Patentability

Substances consisting of mere admixture of known ingredients for use as food or medicine and the process for producing such substances are not patentable.

Filing Requirements

National Phase PCT Application

Even though there is no enabling legislation, the Malawian authorities are receiving and processing national phase patent applications.

- Power of Attorney (required on the day of filing)
- Specification, claims and abstract in English (required on the day of filing)
- Formal drawings, if applicable (required on the day of filing)
- Assignment of Invention (can be late filed, no set deadline)
- Copy of Published International Application (required on the day of filing)
- Copy of International Search Report (can be late filed, no set deadline)
- Copy of International Preliminary Report on Patentability (can be late filed, no set deadline)

Patents of Invention (Non-PCT)

- Power of Attorney (required on the day of filing)
- Specification, claims and abstract in English (required on the day of filing)
- Formal drawings, if applicable (required on the day of filing)
- Assignment of Invention (can be late filed, no set deadline)
- Priority document with verified English translation (can be late filed within six months)



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(continued)

Patent Requirements

ARIPO Application in which Malawi is designated
Please see ARIPO.

ARIPO Regional Phase PCT Application
Please see ARIPO.

Grant

The term of a patent is sixteen years from the filing date, which may be extended for one further period of up to five years on the ground of inadequate remuneration, and in exceptional circumstances a period of up to ten years. It is our belief that the term of the ARIPO patent designating Malawi is twenty years without the need to apply for the extension. However, there remains a level of uncertainty in this regard.

Renewal

Renewal fees are payable annually commencing on the third anniversary of the filing date.