

# CIPA REFUND GUIDELINES

These Refund Guidelines are based on the applicable scenarios for various services provided by the Authority. They are categorized into refundable and non-refundable scenarios. All request for refunds must be submitted by email to [refunds@cipa.co.bw](mailto:refunds@cipa.co.bw) and must be accompanied by proof of payment.

## 1. REFUNDABLE SCENARIOS

The following scenarios are eligible for refunds:

### 1.1 Status of application – “Awaiting Payment”

Where the services requested have been paid for, but the status on the customer’s application indicates that the service is still **awaiting** payment. A client will only be refunded if they have made more than one payment following the initial payment that did not update the system. Where the client has made only one payment they will be assisted through filing on behalf.

### 1.2 Duplicate Payments

Where a single application results in more than one payment for a service, the client will be eligible for a refund of the amount(s) paid over the application fee. Before paying any refund, the Authority must have satisfied itself that:-

- Funds were indeed paid by the customer and received by CIPA
- The accuracy of the amounts requested to be refunded.

### 1.3 Applications paid for after the deadline

A system error may sometimes permit a client to pay for an application after the deadline, in the case of annual returns and business name renewal, where the client had selected the “Pay Later” option. The client is due for a refund since the payment made after the deadline will not change or update the company status.

### 1.4 Deleted Applications

A customer that has deleted an application and has paid for a subsequent application will be refunded. Where the client has not paid for a second application they will be assisted through the filing on behalf process.

### 1.5 Inadvertent/Accidental rejection of Name Reservation Applications

At times, the Authority may inadvertently reject name reservation applications. In such cases, customers will be refunded as the applications cannot be processed through filing on behalf.

### **1.6 Registration of a new company**

A customer that has submitted an application to register a new company instead of restoring an already existing company or submitting a wrong type of application, the registration fees will be refunded provided the request for a refund is received before the application is approved.

## **2. REFUNDS ELIGIBILITY**

### **2.1 Time Frame**

Customers will only be refunded if a claim for a refund is received within 6 months from the date of payment of service.

### **2.2 Timelines for processing refunds**

Refunds shall be processed within 1 month of receipt of all required documentation from the client requesting a refund.

### **2.3 Request for additional information**

The Companies and Intellectual Property Authority reserves the right to request additional information to assist in the processing of refund applications.

## **3. NON-REFUNDABLE SCENARIOS**

The following scenarios are **not** eligible for a refund:

### **3.1 Name reservation**

- Request to change entity type e.g. Change from business name to company name.
- Name derivatives (When the client wishes to submit a new name which is substantially different from the one they have reserved).
- Name reservation applications that have been rejected by the office.
- Expired applications (Unless it expires while on the CIPA queue, waiting to be examined).
- A customer that has changed their mind after application has been approved.
- A customer that wishes to use a different profile to register the company from the one they reserved the name on.

## 3.2 Applications

- Registration of a new entity instead of restoration of an existing business name or company where the application is already approved.
- Registration applications that have been rejected by the office.
- A customer that wishes to change the type of company they have registered.
- Re-registration of another person's company.
- Restoration of another person's company.
- A customer that has changed their mind after application has been approved.
- Revised applications that are not re-submitted within the given time frame of five working days.

## 3.3 Annual Returns and Business Name Renewals

- A client that has filed an annual return or renewal for the wrong company or business name.
- A client that has filed for an appointment of an auditor/secretary/addition of constitutions instead of filing an annual return.

## 3.4 Unused Funds deposited into the CIPA prepay account

Funds deposited into the CIPA prepay account will not be refundable. Clients should only deposit money into the CIPA prepay account when they are certain that they need a service from CIPA.

**Exception:** Where funds are deposited into the CIPA deposit account but remain unused for a period over a year, or where the account holder is deceased or otherwise unable to utilize the funds, the following steps will be taken:

- i. Unclaimed Funds – Companies Removed from the Register: In cases where funds remain unclaimed following the removal of companies from the Register, the Authority may handle the funds in accordance with Section 337 of the Companies Act.
- ii. Unclaimed Funds – Individuals & active companies: In cases where funds remain not utilised (amount of or exceeding P10 000) for a period of a year, they will be treated as suspicious transactions and reported at the Financial Intelligence Authority (FIA) for

investigation. Funds will only be released upon advice and clearance given by FIA.

- iii. **Death or Incapacity:** In cases where the account holder is deceased or incapacitated, the legal representative or heir may submit appropriate and relevant documentation to facilitate the refund process or the transfer of funds.

### **3.5 Fraud cases**

Any cases of fraud or suspicion of fraud or other criminal offence will be reported to the appropriate Law Enforcement Agency for further investigation and action.

## **4. REFUND PAYMENT METHOD**

- All refunds will be paid through the Payment gateway, Electronic Fund transfer or Prepay account.
- All refunds will only be issued to the person whose bank account/bank card or prepay account was used to submit the application.

## **5. APPEALS**

- All appeals shall be addressed to Director Compliance, Awareness and Client Services and shall follow the standard CIPA Complaints Procedures.
- The Registrar shall have the ultimate authority to overrule any decision made regarding the refund process or a decision made on any claim for payment of refunds..