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**SAO TOME AND PRINCIPE**



## SECTION 1: COUNTRY OVERVIEW

### 1.1 GENERAL INFORMATION

<b>Capital:</b>	São Tomé
<b>Population:</b>	215,056
<b>Currency of government (official) fees:</b>	São Tomé and Príncipe Dobra (STD).
<b>Language for filing IP applications:</b>	Portuguese
<b>GDP per capita:</b>	427,425,039.684 (est. in 2020)
<b>Main exports:</b>	cocoa, copra, palm kernels and coffee.
<b>Main imports:</b>	petroleum oil machines ,passenger vehicles and cement

### 1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

Sao Tome and Principe is a contracting state to the following international legal instruments:

- Berne Convention
- Beijing Treaty on Audiovisual Performances
- Hague Agreement
- Madrid Protocol
- Paris Convention
- Patent Cooperation Treaty
- Patent Law Treaty
- WIPO<sup>1</sup> Convention
- WIPO Performances and Phonograms Treaty
- WIPO Copyright Treaty
- Marrakesh VIP Treaty

1 WIPO: World Intellectual Property Organization

### 1.3 Overview of Regional Agreements

- The African Continental Free Trade Area (AfCFTA) Agreement

Sao Tome and Principe signed the Agreement and has ratified. The Agreement can be accessed here: <https://au.int/en/treaties/agreement-establishing-african-continental-free-trade-area>. The Agreement contains a Protocol on IP rights which aims for effective protection and promotion of IP rights in Africa and may therefore have legal implications for Sao Tome and Principe when it comes into legal force.

- ARIPO Agreements

Sao Tome and Principe is a member of the Lusaka Agreement, which created the African Regional Intellectual Property Organization (ARIPO). It is also a Contracting Party to the Banjul and Harare Protocols that are administered by ARIPO.

### 1.4. IP Legal Framework of Available IP Protection

The following IP protection is available in Sao Tome and Principe:

- 1) trade marks: national, regional (ARIPO) and international (Madrid)
- 2) patents: national and regional (ARIPO)
- 3) utility models: national and regional (ARIPO)
- 4) industrial designs: national and regional (ARIPO)
- 5) geographical indications: national
- 6) copyright and related rights: national

### 1.5 IP Protection not available

- 1) layout designs of integrated circuits
- 2) plant variety protection
- 3) traditional Knowledge and Handicrafts

### 1.6 Available IP Protection Routes

IP protection in São Tomé and Príncipe is available through three routes: national, regional and international.

#### National

IP protection in São Tomé and Príncipe is administered by the National Intellectual Property and Quality Service, Secretary of State, Trade and Industry, and Ministry of Tourism, Culture, Commerce and Industry (SENAPIQ-STP). IP protection procedures and requirements for protection are available through this link: <http://senapi-stp.net/spip.php?rubrique32>.

## Regional



The ARIPO regional route can be used for São Tomé and Príncipe for:

- 1) the registration of trade marks under the Banjul Protocol on Marks;
- 2) the grant of patents and registration of utility models and industrial designs under the Harare Protocol on Patents and Industrial Designs.

### Trade marks

São Tomé and Príncipe is a signatory of the Banjul Protocol which means it can be designated for the purpose of registering trade marks using the ARIPO trade mark system.

Member states carry out substantive examination of applications after which ARIPO registers trade marks on behalf of its member states and subsequently administers the registrations in accordance with the Banjul Protocol. [ARIPO member states](#) are free to join any of ARIPO's protocols. Not all ARIPO member states are signatories of the Banjul Protocol. Consequently, non-members cannot be designated in an ARIPO trade mark application or in a subsequent designation application. A list of current states that have joined the Banjul Protocol can be seen [here](#). Filing requirements, the registration process and payable fees can be found on [ARIPO's trade mark web page](#).

Once registered, an ARIPO IP registration becomes a 'bundle of national rights' that have the same legal effect as directly registered national rights, and which the rights holder will need to enforce according to the national laws of each designated state. ARIPO IP rights therefore co-exist with, rather than displace, the national IP systems.

### Advantages of the ARIPO trade mark system

The ARIPO system allows an applicant to file a single application that designates one or more Banjul Protocol member states for the registration of trade mark rights that will be enforceable in multiple states that are members of the system. In this regard, the ARIPO trade mark system is similar to the [Madrid System for the international registration](#) of marks except that the ARIPO system covers a limited geographical area in Africa, and a few other differences.

When it is used to facilitate multiple state designations, the ARIPO trade mark system aims to reduce costs and to simplify the process of trade mark registration on a regional basis through ARIPO, thus encouraging investments in IP rights.

When only one member state is designated, the ARIPO trade mark system has a complementary role to national trade mark registration systems and provides brand holders with an alternative registration system for the registration of trade marks.

Another advantage of the ARIPO trade mark system is that, if a trade mark is rejected by one or more of its member states, it can still proceed to registration in the remaining states that were originally designated in the application.

A further advantage is that a trade mark application or registration can be extended to other Banjul Protocol contracting states, although not to the other ARIPO member states that have not joined the Protocol. For an extension, the rights holder must file an application using Form M3 – which can be downloaded from ARIPO's [e-service platform](#) – to designate additional state(s).

### Disadvantages of the ARIPO trade mark system

Despite its advantages, brand holders have major concerns about the ARIPO trade mark system. These concerns include:

- a poor opposition procedure which derives from the fact that oppositions are dealt with in a decentralised manner by individual states with different and non-harmonised national laws. This makes it expensive for brand holders and undermines the efficiencies of a centralised system for trade mark registration through a single application.
- the limited number of contracting parties. The adhesion of The Gambia as the 12th and latest Banjul Protocol state with effect from 3 August 2021 was a positive step for the ARIPO trade mark system. However, a system that has only 12 out of 20 [ARIPO's current member states](#) may be of concern to brand owners who want the convenience of designating a large and diverse number of countries in one trade mark application. Considering that the majority of users of the ARIPO trade mark system are from Europe and non-African countries, the system suffers heavily from the competition of the Madrid System. Statistics for 2014-2019 can be found in the [ARIPO Annual Reports](#).
- the need to reduce the list of goods/services: ARIPO's surcharge of USD 5 per word can mean a significant cost for long specifications. Aim to designate only the goods/services that you genuinely need.
- the need to be strategic with state designations: the ARIPO trade mark system is flexible enough to allow you to be strategic. You do not have to designate all the Banjul Protocol states in an application. You can leave out some or you can create your own 'sub-designations' to suit your business needs. Develop the strategy by establishing which states operate a 'first to file' and a 'first to use' system so that you do not jeopardise your rights. You can also 'mix and match' approaches, for instance by carrying out national IP office searches in the states that you wish to designate in your ARIPO application. These searches will help to avoid objections during the substantive examination phase of your ARIPO application which is carried out by the designated states under their national laws. ARIPO examines for formalities only and transmits the application to designated member states for substantive examination.
- the need to invest in quality legal expertise: the ARIPO trade mark system has its faults, but it also offers significant advantages to brand holders. You will need an experienced professional to advise you on how to use the ARIPO system to your brand's best advantage.

### Patents, utility models and industrial designs

São Tomé and Príncipe is a signatory of the Harare Protocol under which ARIPO grants patents and registers utility models and industrial designs on behalf of those of its member states that are contracting parties to the Harare Protocol. More information about ARIPO's processes and applicable fees is available here for [patents](#), [utility models](#) and [industrial designs](#). A list of current ARIPO states that have joined the Harare Protocol can be found [here](#).

Compared to the trade mark system, the Harare Protocol system works well and is the most heavily utilised of ARIPO's IP registration protocols; the statistics can be seen in [ARIPO's Annual Reports](#). You can also obtain statistics and other related information about searches conducted on ARIPO's [e-service](#) platform or from the [Regional IP database](#).

Information that you may need about the relevance of the ARIPO system to your IP protection strategy in São Tomé and Príncipe

#### Patent filings

- ARIPO is a member of the Patent Cooperation Treaty (PCT); over 75 % of its applications are PCT-based.
- São Tomé and Príncipe receives most of its patent applications through its designation under the ARIPO region in PCT applications. In 2019, the national IP office, SAENAPIQ-STP, received 0 patent applications compared to 448 ARIPO PCT-based applications and, in 2018, 1 patent application compared to 407 ARIPO PCT-based applications. The pattern is similar for most ARIPO member states. See the ARIPO Annual Report 2019 available [here](#).

#### Substantive examination of patents and utility models

- ARIPO offers technical support to its member states, including São Tomé and Príncipe, to carry out the substantive examination of patents and utility models.

#### Searches

- You can carry out free online simple and advanced searches for trade marks, patents, utility models and industrial designs from [ARIPO's e-service platform](#), even if you are not registered for e-services.
- You can also access the Regional IP Database through this [link](#).

### 1.7 International



The WIPO international route can be used for São Tomé and Príncipe for three IP rights:

- 1) the registration of trade marks under the Madrid System;
- 2) the registration of industrial designs under the Hague Agreement;
- 3) the filing and processing of patents in accordance with the Patent Corporation Treaty (PCT).

#### Trade marks:

##### Madrid System

- São Tomé and Príncipe is a signatory of the Madrid Protocol, which means it can be designated for the purpose of registering trade marks under the Madrid trade mark system.
- The Madrid system makes it possible for a brand owner to designate a country in an international application to secure trade mark protection in that country. Brand owners can also extend their trade mark protection to other countries that are members of the Madrid Protocol.
- A brand owner can file one application and pay a single fee to obtain the registration of a trade mark in many other countries that are members of the Madrid System. Information about the Madrid trade mark system is available through these links: [General information](#) and [How to file](#).

##### Industrial Designs: Hague Agreement

- São Tomé and Príncipe is a signatory of the Hague Agreement Concerning the International Registration of Industrial Designs which means that it can be designated for the purpose of registering industrial designs under the Hague System. More information about the Hague System is available [here](#) and a list of Contracting Parties is available [here](#).
- The Hague Agreement allows applicants to register an industrial design by filing a single application with the International Bureau of WIPO, enabling design owners to protect their designs with minimum formalities in multiple countries or regions. The Hague Agreement also simplifies the management of an industrial design registration, since it is possible to record subsequent changes and to renew the international registration



- through a single procedural step.
- International design applications may be filed directly with the International Bureau of WIPO or through the IP office of the Contracting Party of origin if the law of that Contracting Party so permits or requires. In practice, however, virtually all international applications are filed online directly with the International Bureau of WIPO.

The Hague Agreement is integrated into São Tomé and Príncipe's national legal framework for the protection of industrial designs. As a result, an international design registration which designates São Tomé and Príncipe enjoys the same force of law as a nationally registered industrial design.

#### Patents: PCT

- The PCT makes it possible to seek patent protection for an invention simultaneously in many countries by filing a single international patent application instead of several separate national or regional patent applications. More information about the PCT is available through this [link](#).
- São Tomé and Príncipe is a contracting party to the PCT and is also a member state of ARIPO which, as a region, is also a contracting party to the PCT. As a result, São Tomé and Príncipe can be designated in a PCT application as a country or under the designation of ARIPO as a regional block.

#### 1.8 National/Regional/International: How do I choose a route?

- The choice will depend mainly on the nature of the IP right(s) involved. Professional advice may be necessary to establish the most suitable protection route for your IP right(s).
- The questions below may provide a general guide.

#### 1.9 When would I use the national route?

- When the national route is the only available route for the protection of the IP right in question. Some IP rights – geographical indications, for example – can only be protected under national law because protection is not available under regional and international systems.
- When IP protection is required in one country only it may not be necessary to use regional or international routes.
- When used in response to specific national law provisions. ARIPO confers IP protection as a 'bundle of rights' which an IP holder must enforce in each designated state, based on the laws of that state. Some IP rights – pharmaceutical patents, for example – are not readily accepted in all ARIPO member states.
- When the national route provides special advantages.

#### Examples include:

- preferential substantive examination time frame: it takes an average of 18 months for a patent filed through a national IP office to complete substantive examination compared to an average of 36 months if a patent application is filed directly with ARIPO.

- exemption from substantive examination fees and surcharges: patent applications submitted through national IP offices are currently exempt from the substantive examination fees and surcharges for excess claims and pages that are payable in all other applications. However, this is being reviewed by ARIPO and is likely to change.

#### 1.10 When would I use the regional (ARIPO) route?

This route is currently available for trade marks, patents, utility models and industrial designs only.

It is advisable to use the ARIPO regional route when:

- IP protection is required in multiple ARIPO states. In this case, a single application for the registration of an IP right using the regional system may be more efficient and cost-effective than applying for registration in two or more countries.
- the regional route offers more technical capacity. For example, ARIPO has more capacity to substantively examine patents, especially those with a complicated subject matter.

#### 1.11 When would I use the international route?

You can use this route if you want IP protection that covers São Tomé and Príncipe for international trade marks under the Madrid System, international industrial designs under the Hague Agreement and patent filings under the PCT.

#### Trade Marks and Industrial Designs

In general, it is advisable to use the international route when:

- you want a wider coverage of IP protection than that available under the national and regional routes. The international route can be used to secure and extend protection to multiple countries and continents.

#### Patents

- In addition to the reasons listed above, you may choose the PCT route because it offers a streamlined multi-country patent filing service that is not available under national and regional patent routes. More information about the PCT's services is available [here](#).

## SECTION 2: OVERVIEW OF NATIONAL IP ENFORCEMENT

Sao Tome and Principe is a signatory of the WTO's TRIPS Agreement and its laws are substantially TRIPS-compliant in terms of providing a legal framework for the protection and enforcement of IP rights.

SAENAPIQ-STP is mandated by the Industrial Property Code and the Copyright and Neighbouring Rights Act to enforce compliance and bring IP infringers to justice.

SAENAPIQ-STP engages constantly with other stakeholders who have a role to play in combating IP infringements. These include Interpol, border officials, customs officials, the legal profession, the Department of Trade and Consumer Affairs, retailers and the general public.

Despite the SAENAPIQ-STP and State efforts to curb IP infringement, rights holders must play a significant role in policing the use of their IP in Sao Tome and Principe. They must constantly check that the industrial and commercial markets in which they sell their goods or services take appropriate action against the infringement of their IP rights by competitors, retailers or street vendors. STP Law entitles rights holders to take civil action against infringers to recover their lost revenue and/or to have the infringing products destroyed.

For copyrights, the Copyright and Neighbouring Rights Act provides for conservatory measures that seek to prevent infringements and also to preserve relevant evidence related to an alleged infringement. Civil remedies include court injunctions, confiscation of offending goods and payment of damages to the rights holder for any economic damage suffered because of an infringement of their rights. Criminal sanctions include the imposition of substantial fines and the possibility of imprisonment.

## SECTION 3: TYPES OF AVAILABLE IP PROTECTION

### 3.1 TRADE MARKS

#### 3.1.1 Who can register trade mark?

A natural person, a company or any other entity can apply to register a trade mark.

However, a person who does not have their place of business in Sao Tome and Principe needs a professional representative.

#### 3.1.2 Do I need a local representative?

You must be represented by an agent if you are a foreign national (i.e. not a citizen of São Tomé and Príncipe) or if you are applying on behalf of a company that has its principal place of business outside São Tomé and Príncipe.

Representation is optional for local applicants.

You can find a local agent for São Tomé and Príncipe [here](#).

#### 3.1.3 What qualifies for registration?

A trade mark that is capable of distinguishing particular goods or services of one undertaking from those of other undertakings and is not in conflict with earlier registrations or pending applications.

#### 3.1.4 What cannot be registered?

A trade mark cannot be registered if it:

- contains false indications or is likely to mislead the public;
- contains false indications concerning a geographical indication;
- contains symbols and insignia, flags, arms or official signs of the state or international organisations;
- contains business emblems that do not belong to the applicant;
- is likely to cause confusion with an earlier registered trade mark or pending application;
- is contrary to morality or the law;
- uses a name or likeness of individuals without their authorisation.

#### 3.1.5 Where can I file an application?

##### National

Applications for trade marks must be filed at the Industrial Property National Service (SENAPIQ-STP) of Sao Tome and Principe

##### Regional

Applications can be filed at SENAPIQ-STP or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings. If an applicant wishes to obtain a utility model instead of a patent in Sao Tome and Principe on the basis of an international application, this must be indicated in the international application when filed.

International (Madrid) applications can be filed directly with ARIPO or through SENAPIQ-STP.

#### 3.1.6 What are the registration requirements?

An application for the registration of a trade mark must be submitted in Portuguese on a [form](#) and must contain the following:

- the applicant's name or corporate name, nationality, domicile or place of business, and tax identification number in the case of a resident of São Tomé and Príncipe;
- the products or services for which the mark is intended, grouped according to the categories of classes of the international classification of goods and services and identified in precise terms, preferably according to the alphabetical list of that classification;
- if the applicant intends to register a collective mark, an express indication that the trade mark is of an association or of certification;
- an express indication that the mark is a three-dimensional or sound mark, where applicable;
- the registration number of any award featured or referred to in the trade mark;
- the colours in which the trade mark is used, if claimed as a distinctive element;
- the country where the first application was submitted and the date and number of the application, if the applicant wishes to claim the right of priority;
- the date from which the applicant has been using the trade mark;

- signature of the applicant or their representative;
- payment of the prescribed fees.

### 3.1.7 How do I register?

The national SENAPIQ-STP registration process involve the following stages:

- application;
- examination for compliance with formal and substantive requirements;
- after acceptance, publication in the official gazette; trade marks may be opposed within 90 days from the date of publication.

### 3.1.8 How much does it cost?

#### Government/official fees

- The latest fee are available from the São Tomé and Príncipe [national office](#) or from a [local agent](#).

#### Regional ARIPO Route

ARIPO's current trade mark fees are calculated as follows.

- Application fees are currently USD 80 per application which can designate one, some or all Banjul Protocol states.
- In addition to the application fees, a state designation fee of USD 50 per state is payable for each designated state.
- In addition to the application fees and designation fees, an additional class fee of USD 10 per class is payable for the second and any additional classes that are included in the application.
- A surcharge of USD 5 per word is applied for each word when a specification of goods or services exceeds 50 words, excluding punctuation marks.
- The latest fees are available through this link: [Fee Schedules – The African Regional Intellectual Property Organization \(ARIPO\)](#).

### 3.1.9 How long does registration take?

The trade mark registration process takes 10 months from the filing date to complete, assuming that there are no unusual delays and no oppositions.

Regional ARIPO trade marks take 12-15 months to register, including a substantive examination period of 9 months and an opposition period of 3 months.

### 3.1.10 What is the duration of protection?

National and Regional trade marks have protection for 10 years from the filing date, renewable.

### 3.1.11 When are renewal fees paid?

- A trade mark can be renewed on request for consecutive periods of 10 years each, on payment of renewal fee.
- The grace period for late payment of renewal fees is 6 months from the due date.

## 3.2 PATENTS

### 3.2.1 Who can register a patent?

An inventor (or successor in title) or an assignee of an invention can apply to register a patent.

### 3.2.2 Do I need a local representative?

- You must be represented by an agent if you are a foreign national (i.e. not a citizen of São Tomé and Príncipe) or if you are applying on behalf of a company that has its principal place of business outside São Tomé and Príncipe.
- Representation is optional for local applicants.
- You can find a local agent for São Tomé and Príncipe [here](#).

### 3.2.3 What qualifies for registration?

A patent must meet the following requirements:

- novelty which must be absolute novelty in that the invention must be a new characteristic which is not known in the body of existing knowledge in its technical field. It must not be anticipated by prior art;
- inventive step which means that, having regard to prior art, the invention is not obvious to a person skilled in the art; and
- susceptible of industrial applicability in that it can be used in any kind of industry, including agriculture.

### 3.2.4 What cannot be registered?

Inventions that are contrary to good customs or to public order may not be patented.

### 3.2.5 Where can I file an application?

#### National

Applications for utility models must be filed at the Industrial Property National Service (SENAPIQ-STP) of Sao Tome and Principe

#### Regional



Applications can be filed at SAENAPIQ-STP or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

### 3.2.6 What are the registration requirements?

The patent application must be submitted in Portuguese on a form containing the following:

- the applicant's name, trade name or business name, nationality, domicile or place of business, tax identification number in the case of a resident of São Tomé and Príncipe, and email address, if any;
- the heading or title that summarises the subject matter of the invention;
- the inventor's name and country of residence;
- the country where the first application was submitted, and the date and number of that process, if the applicant wishes to claim a right of priority;
- the averment that the applicant has applied for a utility model for the same invention, if applicable;
- signature of the applicant or their representative;
- payment of the prescribed fees.

### Regional (ARIPO) patents

See here for the [ARIPO patent application filing procedure](#).

### 3.2.7 How do I register?

Registration involves the following steps:

- formal application;
- search is completed with examiner's decision;
- substantive examination either at ARIPO or SENAPIQ-STD;
- amendments at the Director's request;
- opposition period of 90 days after publication;
- grant after end of opposition period.

### 3.2.8 How much does it cost?

#### National (SENAPIQ-STP) fees

The latest fees are available from the São Tomé and Príncipe [national IP office](#) or from a [local agent](#).

#### ARIPO-route patent registration fees

Fees must be paid through ARIPO if an applicant chooses to register a patent for Sao Tome and Principe using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

Application fees consist of three components, as follows:

Type of Fee	ARIPO Fee (USD)	Total Fees (USD)
Application fee, regardless of the number of states designated in the application	232	932
State designation fee	85 per state (multiplied by the number of designated states)	Depends on the number of designated states
Mandatory annuity fee: for PCT-based applications, the first ARIPO annuity fee will usually be due and must be paid with the application fee	50 per state (multiplied by the number of designated states)	Depends on the number of designated states
Total fees, assuming only Sao Tome and Principe is designated and payment of first annuity fee	317	1 037
Total fees, assuming all 18 Harare Protocol states, including Sao Tome and Principe, are designated and payment of first annuity fee	2 662	3 722

#### Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.



### 3.2.9 How long does registration take?

National-route, the usual timeframe is between 12 and 18 months on average.

Regional-route Sao Tome and Principe applications are substantively examined by ARIPO and take 3-4 months on average to complete registration, assuming that there are no objections.

### 3.2.10 What is the duration of protection?

Protection lasts 20 years from the filing date, subject to the payment of annual maintenance fees.

### 3.2.11 When are renewal fees paid?

National patents:

- Renewal fees are paid from the first anniversary of the filing date up to the 19th year. A 6-month extension for the annual fee may be granted, subject to a surcharge.

### ARIPO-route Sao Tome and Principe patents

Renewal fees are payable up to the 19th year. Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

ARIPO fees are payable per designated state.

The following ARIPO renewal fees are currently applicable:

Annuity Year	ARIPO Fee
1 (NB: Due the second year after the filing date)	50
2	70
3	90
4	110
5	130
6	150
7	170
8	190
9	210
10	230
11	250
12	270
13	290
14	310
15	330
16	380
17	430
18	480
19	530
Late renewal fees consist of 2 parts:	
I. Surcharge for late payment of annual maintenance fee	100
II. Penalty fee for each month or fraction of a month for which the fees remain unpaid	50

### 3.3 UTILITY MODELS

#### 3.3.1 Who can register?

An inventor or assignee of an invention can apply to register a utility model.

#### 3.3.2 Do I need a local representative?

- You must be represented by an agent if you are a foreign national (i.e. not a citizen of São Tomé and Príncipe) or if you are applying on behalf of a company that has its principal place of business outside São Tomé and Príncipe.
- Representation is optional for local applicants.
- You can find a local agent for São Tomé and Príncipe [here](#).

#### 3.3.3 What qualifies for registration?

Every invention that involves a significant inventive step and has an industrial application is eligible for protection as a utility model.

#### 3.3.4 What cannot be registered?

The following inventions cannot be registered as utility models in Sao Tome and Principe:

- inventions involving biological material;
- inventions involving chemical or pharmaceutical substances or processes.

#### 3.3.5 Where can I file an application?

National applications for utility models must be filed at the Industrial Property National Service (SENAPIQ-STP) of Sao Tome and Principe

Regional applications can be filed at SAENAPIQ-STP or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings. If an applicant wishes to obtain a utility model instead of a patent in Sao Tome and Principe on the basis of an international application, this must be indicated in the international application when filed.

#### 3.3.6 How do I register?

Registration involves the following steps:

- application for a utility model;
- provisional grant on request by the applicant; the provisional utility model's validity ceases as soon as an examination of the invention is requested;
- substantive examination;
- publication in the industrial property bulletin must be made within 12 months from the date of the application for registration, unless a postponement or anticipation of the publication has been requested.

#### 3.3.7 How much does it cost?

##### National (SENAPIQ-STP) fees

The latest fees are available from the São Tomé and Príncipe [national office](#) or from a [local agent](#).

#### 3.3.8 How long does registration take?

National utility model applications are examined substantively. The average time frame is 9-15 months. It is advisable to check applicable processing time frames before starting the registration process.

Regional-route filed SAENAPIQ-STP applications are substantively examined by ARIPO and take longer than national utility model applications to reach registration. These applications can take 24-36 months to complete registration, assuming that only minimal official actions are needed and there are no objections.

#### 3.3.9 What is the duration of protection?

A SENAPIQ-STD utility model has an initial duration of 5 years from the filing date, with the possibility of two further consecutive 5-year terms, a total of 15 years.

ARIPO-registered utility models have a duration of 10 years from the filing date.

### 3.4 INDUSTRIAL DESIGNS

#### 3.4.1 Who can register?

A creator or assignee of an industrial design can apply to register a design in Sao Tome and Principe.

It is possible for two or more persons or companies to jointly own and apply for the registration of an industrial design.

#### 3.4.2 Do I need a local representative?

You must be represented by an agent if you are a foreign national (i.e. not a citizen of São Tomé and Príncipe) or if you are applying on behalf of a company that has its principal place of business outside São Tomé and Príncipe.

Representation is optional for local applicants.

You can find a local agent for São Tomé and Príncipe [here](#).

#### 3.4.3 What qualifies for registration?

An industrial design can be registered if it is new and has not been disclosed in any place of the world, or in São Tomé and Príncipe by oral disclosure, in use or any other way before the date of filing or, if applicable, from the date of priority of the application for registration.

#### 3.4.4 What cannot be registered?

- The visible characteristics of a product resulting exclusively from its technical function.
- The characteristics of the product's appearance that must necessarily be reproduced in their exact form and size so that the product into which the industrial model or design is incorporated, or in which it is applied, can perform its function, or if mechanically connected to another product or inserted into, around or against the other product, so that both can perform their function.

#### 3.4.5 Where can I file an application?

National-route design applications must be filed at National Intellectual Property and Quality Service; Secretary of State, Trade and Industry; and Ministry of Tourism, Culture, Commerce and Industry (SENAPIQ-STP).

Regional-route design applications can be filed at SAENAPIQ-STP or, clearly indicating that they are regional applications, through ARIPO. Applications filed through ARIPO for Sao Tome and Principe designs can be filed electronically, by email, registered mail, fax, by courier or in person. Online ARIPO application fees have a 20 % discount to encourage online filings.

#### 3.4.6 What are the registration requirements?

The application must be submitted in Portuguese, accompanied by the following:

- a formal application on the prescribed form;
- drawings depicting different elevations of the design, usually 3-dimensional views;
- an indication of the kind of products for which the industrial design should be used;
- a power of attorney, simply signed, if the application is filed through an agent;
- the Deed of Assignment if the applicant is not the creator;
- a priority document (original or certified copy) if priority is claimed;
- payment of the prescribed fees.

#### 3.4.7 How do I register?

Registration involves the following steps:

- filing;
- formal examination;
- registration;
- publication 1 year after filing; opposition period of 3 months after publication.

#### 3.4.8 How much does it cost?

##### National (SENAPIQ-STP) fees

You can enquire on the latest fee rates with the [national office](#) or [local agent](#) for this country.

#### ARIPO-route design registration fees

These fees are paid through ARIPO. ARIPO's fees are reviewed regularly. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

Application fees consist of three components, as follows:

Type of Fee	ARIPO Fee (USD)	Total Fees (USD)
Application fees, regardless of the number of states designated in an application	40	340
State designation fees	10 per state (multiplied by the number of designated states)	Depends on the number of designated states
Total fees, assuming that only Sao Tome and Principe is designated in the application	50	370
Total fees, assuming that all 18 Harare Protocol states, including Sao Tome and Principe, are designated in the application	220	880

#### Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others.

It is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available through this link: <https://www.aripo.org/ip-agents/>.

#### 3.4.9 How long does registration take?

National-route applications usually take 12 months to complete registration.

Regional-route applications usually take 8-12 months to complete registration. This includes a period of 6 months for states to examine and decide if a design will have legal effect in their territories after ARIPO has issued them with a notice of intention to register a design.

### 3.4.10 What is the duration of protection?

A SENAPIQ-STP industrial design has an initial duration of 5 years from the filing date, with the possibility of renewed for equal periods of 5 years, to a maximum of 25 years.

ARIPO-route design registrations are valid for 10 years, with no possibility of extension.

### 3.4.11 When are renewal fees paid?

A renewal fee is required for two further terms of 5 years each. A grace period of 6 months is provided for the late payment of renewal fees.

#### ARIPO-registered design renewal fees

Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available through this link: <https://www.aripo.org/fee-schedules/>.

ARIPO fees are payable per designated state. The following ARIPO renewal fees are currently applicable:

Annuity Year	ARIPO Fee
1	10
2	12
3	14
4	16
5	18
6	20
7	24
8	28
9	32
Late renewal fees consist of 2 parts:	
I. Surcharge for late payment of annual maintenance fee	15
II. Penalty fee for each month or fraction of a month for which the fees remain unpaid	2

### Professional services renewal fees

These are usually payable as a flat-rate fee per annuity payment, regardless of the number of designated states. They range between USD 150 to USD 250 per renewal. It is advisable to compare the fees of different IP agents.

## 3.5 GEOGRAPHICAL INDICATIONS (GIs)

About Geographical Indications in Sao Tome and Principe  
GIs are registrable in Sao Tome and Principe under the Regulation on Industrial Property (Decree No. 6/2004 of June 30, 2004).

GIs are registered through National Intellectual Property and Quality Service; Secretary of State, Trade and Industry; and Ministry of Tourism, Culture, Commerce and Industry (SENAPIQ-STP). Currently, there is no regional or international registration system through which GIs can be registered for STP.

- The conditions for the registration of trade marks apply to these registrations.
- It is possible to register foreign GIs in São Tomé and Príncipe as collective or certification marks; an applicant may file a single application in one of the contracting states or directly with ARIPO, and designate the states in which protection is sought. More information is available [here](#).
- São Tomé and Príncipe is a member of the African Union (AU) which, in partnership with the Food and Agriculture Organization of the United Nations (FAO), is developing a Continental Strategy for GIs in Africa (2018-2023). More information is available [here](#).
- São Tomé and Príncipe is a signatory of, and has ratified, the Agreement Establishing the African Continental Free Trade Area (AfCFTA). The Agreement is available [here](#).
- Developments in the implementation of the Continental Strategy's goals and AfCFTA may have an impact on the protection of GIs in São Tomé and Príncipe. It is advisable to obtain professional advice.

### 3.5.1 Who can register?

The following can apply for the registration of a GI:

- a person who sells or who manufactures, imports or exports for sale a product to which the GI is applied or is to be applied;
- a person who, in the course of business, consumes or uses a product to which the GI is applied or is to be applied;
- any organisation established to represent or further the interests of the persons referred to above.
- A GI application can be made individually by any of the above or jointly with others.

### 3.5.2 Can European GIs be registered?

European GIs do not appear to be registrable under the current national law. For information about the protection of the European GIs in African countries, the Organization for an International Geographical Indications Network should be consulted at: <https://www.origin-gi.com/i-gi-origin-worldwide-gi-compilation-uk.html>.



### 3.5.3 What qualifies for registration?

To be registrable, a GI must be capable of distinguishing goods originating from a particular territory, region or locality, or possess characteristics attributed to the territory, region or locality from which the goods come.

### 3.5.4 What cannot be registered?

Registration of a designation of origin or geographical indication will be refused in the following circumstances:

- the application is submitted by a person who does not have the necessary legal capacity to do so;
- the application does not constitute a designation of origin or a geographical indication;
- it constitutes a reproduction or imitation of a previously registered designation of origin or geographical indication;
- the product name has become generic for the goods designated by it;
- the registration has been cancelled or fallen into disuse in its country of origin;
- it conflicts with the name of a plant variety or an animal breed;
- it is likely to mislead the public, particularly as to the nature, quality and geographical origin of the particular product;
- it is illegal, against public order or morality;
- it encourages unlawful competition.

### 3.5.5 Where can I file an application?

National-route GI applications must be filed at National Intellectual Property and Quality Service; Secretary of State, Trade and Industry; and Ministry of Tourism, Culture, Commerce and Industry (SENAPIQ-STP).

### 3.5.6 What are the registration requirements?

An application for the registration of a GI must include:

- the name of the natural or legal persons, public or private, who have the capacity to acquire the registration and the respective tax identification number;
- the name of the product or products, including the designation of origin or geographical indication;
- the traditional or regulated conditions for the use of the designation of origin or geographical indication, and the boundaries of the respective place, region or territory;
- the signature of the applicant or their representative;
- payment of the prescribed registration fees.

### 3.5.7 How much does it cost?

The latest fees are available from the São Tomé and Príncipe [IP office](#) or from a [local agent](#).

### 3.5.8 How long does registration take?

Unless substantive objections are raised or there are unusual delays, a GI application takes on average 12-15 months to complete registration.

### 3.5.9 What is the duration of protection?

The duration of geographical indications and designations of origin is unlimited.

## 3.7 COPYRIGHT AND NEIGHBOURING RIGHTS

### 3.7.1 Can I register?

- A copyright is recognised regardless of registration, filing or any other formality.
- São Tomé and Príncipe is a member of the ARIPO which is currently considering the possibility of creating a voluntary copyright registration system for its Member States. It remains to be seen if this system will become a reality.

### 3.7.2 What qualifies for protection?

Any original work in the categories listed below qualifies for protection:

- a) dramatic works
- b) conferences, lectures, speeches and sermons;
- c) choreographic works and pantomimes;
- d) cinematographic works;
- e) musical works;
- f) artistic works;
- g) drawing works;
- h) photographic works;
- i) works of applied art;
- j) geographic illustrations and maps;
- k) projects, sketches and plastic arts related to architecture;
- l) slogans or mottos;
- m) parodies and other literary or musical compositions.

### 3.7.3 What cannot be protected?

Any work whose subject matter does not qualify for legal protection.

Any work whose author is not Sao Tome and Principe by:

- 1) citizenship;
- 2) domicile; or
- 3) by virtue of being incorporated in Sao Tome and Principe.

### 3.7.4 What are examples of acts permitted in relation to copyright works?

Permitted acts that do not infringe copyright include:



- fair use – copyright in a work is not infringed by any fair dealing for the purposes of research or private study by the person using the work. Fair dealing does not apply if the person who reproduces the work knows or has reason to believe that it will result in copies of substantially the same material being provided to more than one person at substantially the same time.
- fair dealing for purposes of criticism, review, or news reporting
- educational use
- copies made to replace or conserve library or archival copies of works
- use of anonymous or pseudonymous works, subject to conditions;
- use of work for Parliamentary or judicial proceedings or inquiries
- quotations from copyright works
- public readings and recitations

#### 3.7.5 What acts are not permitted in relation to copyright works?

- Unpermitted/restricted acts include:
  - reproducing the work;
  - publishing the work;
  - importing the work into Sao Tome and Principe or exporting it from Sao Tome and Principe, otherwise than
    - for the personal and private use;
    - causing the work to be transmitted in a cable programme service, unless the service transmits a lawful broadcast, and is operated by the original broadcaster;
    - making an adaptation of the work.

#### 3.7.6 What is the duration of protection?

The duration of copyright protection (economic and moral rights) is as follows:

- collaborative and collective works: the lifetime of the author (or last surviving author in the case of co-authored works) plus 70 years;
- anonymous work or work under a pseudonym: 70 years from the end of the calendar year in which the work was made available to the public;
- cinematographic or audiovisual works: the lifetime of the author (or last surviving author in the case of co-authored works) plus 70 years;
- works in the public domain: 25 years from the end of the calendar year in which the work was made available to the public;
- work published or disclosed in part: the legally established periods of protection shall be applied to each part, volume or episode;
- computer programs: the lifetime of the author (or last surviving author in the case of co-authored works) plus 70 years.

#### 3.7.7 Can I renew copyright after its term of protection expires?

- Copyright cannot be renewed once its term has expired. The work lapses into the public domain at the end of the term of protection.

