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IP Factsheet
DJIBOUTI

SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital	Djibouti
Population	1.121 million (World Bank, 2022
Currency of government (official) fees	Djiboutian franc (DJF)
Language for filing IP applications:	French and Arabic
GDP per capita (USD):	3,136.1 (UNDP, World Bank, 2024)
Human Development Index:	0.518 (2024)
Main exports:	Chlorides, hides, coffee, beans, cereals, palm oil, dried legumes, sheep and goats, other animals
Main imports:	Refined petroleum, mixed mineral or chemical fertilisers, raw sugar, cars, palm oil, seed oils, and delivery trucks

1.2 INTERNATIONAL IP AND IP-RELATED AGREEMENTS AND CONVENTIONS

Djibouti is a contracting state to the following international legal instruments:

- the Berne Convention for the Protection of Literary and Artistic Works. Accession: 13 February 2002;
- the agreement establishing the World Trade Organization (WTO) of 15 April 1994;
- World Trade Organization (WTO) – Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) (1994);
- the convention establishing the World Intellectual Property Organization of 14 July 1967;
- the Cartagena Protocol on Biosafety to the Convention on Biological Diversity

of 29 January 2000;

- International Treaty on Plant Genetic Resources for Food and Agriculture of 03 November 2001;
- the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity of 29 October 2010;
- the Paris Convention for the Protection of Industrial Property of 20 March 1883;
- the Patent Cooperation Treaty of 19 June 1970;
- the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16 November 1972;
- the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 17 October 2003;
- the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 20 October 2005;
- the UN Convention on Biological Diversity of 05 June 1992
- Beijing Treaty on Audio-visual Performances of 2012
- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 1958.

Djibouti is not a member of the Nice Agreement. However, the country's trade mark classification is based on the NICE classification system.

1.3 REGIONAL AGREEMENTS

Djibouti is a member of the following regional agreements:

- **AfCFTA** (African Continental Free Trade Area). The AfCFTA Agreement includes a protocol on IP rights aiming to advance the effective protection and promotion of IP rights in Africa. Once this enters into force, it may help shape future Djibouti IP legislation.
- **COMESA** (Common Market for Eastern and Southern Africa). COMESA has no regional IP agreements, protocols or registration systems in place. COMESA is composed of 19 states: Burundi, Comoros, Democratic Republic of Congo (DRC), Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and

Zimbabwe.

- Djibouti is also a signatory to the Tripartite Free Trade Area Agreement between COMESA, the EAC (East African Community) and the SADC (Southern African Development Community).

1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN DJIBOUTI

The following IP protection is available in Djibouti under the Law No. 50/AN/09/6th L of July 19, 2009, on the Protection of Industrial Property.

1) trade marks or service marks, trade names;
2) patents; however, it is material to note that Djibouti is party to the PCT and international applications can be filed at the International Bureau of WIPO for patent protection in Djibouti.
3) industrial designs;
4) layout designs of integrated circuits;
5) geographical indications (GIs) and appellations of origin. However, international protection of geographical indications and appellations of origin in Djibouti is now possible through Djibouti's accession to the Geneva Act of the Lisbon Agreement.

Copyright and neighbouring rights are protected **under Law No. 154/AN/06 of July 23, 2006, on the Protection of Copyright and Neighboring Rights**. Traditional Cultural Expressions (TCEs) or expressions of folklore and handicrafts are also protected under the same law. However, due to the rapid and contemporary development of intellectual property in this sphere, traditional knowledge, genetic resources, folklore and the internet will be the subject of a draft Decree to supplement this law.

There is currently no protection provided for plant varieties.

1.5 IP REGISTRATION ROUTES

IP protection in Djibouti can be secured at a national level. There is no regional or

international route available for the protection of IP titles in Djibouti. However, it is notable that an international filing route for patents protection in Djibouti through the International Bureau of WIPO.

Useful information

Professional representation

Foreign applicants whose residence and principal place of business is outside Djibouti must appoint a local agent. Djibouti accepts signed and notarised powers of attorney and no legalisation is required. However, you should confirm with your IP service provider on whether hard copies are necessary or scanned copies sent by email are sufficient.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

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

The Djibouti Office of Industrial and Commercial Property is the sole institution responsible for the registration and administration of IP. There are government bodies such as the Djibouti Police Force, the Customs Division, the Attorney General's Chambers and the Judiciary that are entrusted with enforcing IP rights.

Aside from the enforcement mechanisms available through the criminal justice system, the current IP law also provides for civil remedies, which rest entirely on the rights holders to pursue lawsuits against infringing parties through the respective enforcement institutions and authorities. Generally, the number of cases of IP right infringements brought before these law enforcement agencies is insignificant. This can be the result of a number of factors, including the size of the Djibouti market, which some foreign rights holders might consider very small, as well as limited awareness by the rights holders on the processes for enforcing their rights in cases of infringement.

The Copyright Law of 2006 provides for provisional measures against the infringement of protected works. At the request of any holders of copyright or a neighbouring right, their successors in title or the Djiboutian Office of Copyright and

Related Rights (BDDA), the appropriate court may order protective measures to hinder the imminent infringement of the holders' rights or to halt an established infringement. In addition, this law empowers the police or BDDA's sworn agents to conduct searches of premises where it is suspected that infringing goods are concealed, and to seize any offending goods. Where the owner of a copyright or neighbouring right suspects the imminent importation or exportation of goods (the circulation of which will infringe their economic rights), the rights holder may write to the customs authorities to request the suspension of the free circulation of said goods.

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 levying substantial fines and the possibility of imprisonment. Rights holders are expected to be vigilant and active in protecting their rights, and taking action against infringers. Any enforcement action should be initiated by the rights holder. This includes reporting infringements to the police or customs (in the case of the importation of infringing goods) and seeking the intervention of the courts to fight third parties who infringe their rights. The Customs Code also provides for enforcement measures at the border with respect to counterfeit and/or pirated goods.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

Trade marks are protected under Law No. 50/AN/09/6th L of July 19, 2009, on the Protection of Industrial Property.

The law provides for trade marks and service marks as signs suitable for graphic representation used to distinguish the goods or services of a natural person or legal entity in trade. The following will be considered trade marks:

- denominations in all forms such as words, combinations of words, patronymic names and geographical names, pseudonyms, letters, figures, slogans and acronyms;
- figurative signs such as drawings, labels, seals, borders, reliefs, holograms, logos and computer-generated imagery;

- forms, in particular those of the product or its packaging, or those characterising a service;
- arrangements, combinations of colours or colour shades;
- audible signs such as sounds or music.
- Djibouti uses a multi-class trade mark system for trade mark protection. The country is not a signatory to the Nice Agreement, but uses the Nice Classification. Classifications based on the latest edition of Nice at the time of filing of an application are accepted.
- Benefits of registering a trade mark
- A registered trade mark gives the owner exclusive rights to use it to market their products and services; it gives the owner protection against others using the same mark or a similar mark without authorisation.
- In the long run, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing it to others, franchising or obtaining financing.
- A registered trademark builds trust and credibility among clients. It signifies those products or services are officially recognized and have met certain standards. This reflects the owner's trust in their product, which in turn influences the client's perception of the product and builds brand credibility.
- Trademark registration serves to deter wanton infringement and counterfeiting as it empowers the trademark owner to protect their brand, and safeguard their market share and customer base

3.1.1 Who can register a 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 residence nor business in Djibouti needs a professional representative.

3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- an implicit or explicit request for registration of a mark;
- a simply signed power of attorney;

- a list of the goods and/or services, based on the Nice Classification;
- the mark for which registration is sought, or a reproduction of the mark in the case of a mark with special graphic elements, shape or colour, or a figurative, composite or three- dimensional mark with or without colour; for marks that are not visible by sight, a graphic representation of the mark;
- name, nationality and address of the applicant; or full name (as on the Certificate of Incorporation) and address of the company;
- a certified copy of the priority document, if applicable; it must be submitted within a period of 2 months (extendable) along with a French translation;
- the prescribed application fees.

3.1.3 What qualifies for registration?

Trade marks and service marks are signs suitable for graphic representation used to distinguish the goods or services of a natural person or legal entity in trade. The following may constitute these signs:

- denominations in all forms such as words, combinations of words, patronymic names and geographical names, pseudonyms, letters, figures, slogans and acronyms;
- figurative signs such as drawings, labels, seals, borders, reliefs, holograms, logos and computer-generated imagery;
- forms, in particular those of the product or its packaging, or those characterising a service;
- arrangements, combinations of colours or colour shades;
- audible signs such as sounds or music.

The distinctive nature of a sign designed to constitute a mark will be assessed in respect of the designated goods or services. The following will be devoid of any distinctive nature:

a) signs that can be used in trade to designate a characteristic of the good or service, and in particular the species, quality, quantity, intended purpose, value, geographical source or the time of production of the product or

provision of service;

b) signs or indications that have become customary in the current language or in the bona fide and established practices of the trade;

c) signs consisting exclusively of the forms imposed by the very nature or the good's function to achieve a technical result, or conferring its substantial value thereon;

d) signs that consist exclusively of signs or names constituting the generic or technical designations of products or services as considered;

e) signs that consist of a colour in isolation that is not in any way confined within a specific shape.

3.1.4 What cannot be registered?

The following may not be adopted as marks or elements of marks:

- signs excluded in accordance with Article 6 of the Paris Convention for the Protection of Industrial Property, as well as any sign reproducing the armorial bearings, flags, insignia or official emblems of the Republic or of the other member countries of the Paris Union, the acronyms or names of the United Nations Organization and international organisations that have been adopted by them or which have already been the subject of international agreements in force designed to ensure their protection, official control and warranty signs, national or foreign decorations, Djiboutian or foreign coins or banknotes, as well as any heraldic imitations;
- signs that are contrary to public order or morality, or whose use is legally prohibited;
- signs that are liable to deceive the public, particularly as regards the nature, quality or geographical origin of the goods or services.

In addition, it is unlawful to adopt signs infringing prior marks, in particular:

a) an earlier mark registered or well known as defined by Article 6bis of the Paris Convention for the Protection of Industrial Property and Articles 16(2) and (3) of the TRIPS Agreement;

b) a name or company name, if this could create confusion in the mind of the

public;

c) a trade name or brand name known throughout the national territory, if this could create confusion in the mind of the public;

d) a protected appellation of origin or geographical indication;

e) copyright;

f) the rights deriving from a protected industrial design;

g) the rights relating to the personality of a third party, in particular their patronymic name, pseudonym or image;

h) the name, image or repute of a local administrative unit.

3.1.5 Where can I file an application?

The Djibouti Office of Industrial and Commercial Property. More details are available here: https:// www.odpic.dj/.

3.1.6 How much does it cost?

Government (official) fees

The fee schedule is published in the regulations. Both local and foreign applicants may pay these fees using the local currency (DJF). Information on forms and fees is available at https://odpic.dj/marques/#TARIFS%20MARQUES

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three accredited professionals.

Likely overall registration costs

An applicant can expect the cost of registering a trade mark to be approximately as shown in the following table, unless objections and/or other special circumstances that increase the costs apply.

Description of Process/Service	Official fees (DJF)
Application and registration fees	122 500
Search fees	45 000

3.1.7 How long does registration take?

The trade mark registration process takes up to 1 month from the filing date to completion, assuming that there are no unusual delays. There are no opposition provisions in Djibouti.

3.1.8 What is the duration of protection?

Protection lasts for 10 years from the filing date and is renewable indefinitely for consecutive periods of 10 years each.
Registration must be renewed within 6 months prior to the expiry of its term of validity. However, a grace period of 6 months starting from the expiry of the term of validity will be granted to the applicant to make said renewal, subject to payment of a set surcharge.

3.2 PATENTS

The industrial property titles protecting inventions will be:

a) invention patents;

b) certificates of addition, which are accessory titles for inventions whose subject matter is derived from at least one claim of a main patent.

Djibouti Patent Registrations

Only national patents can be filed through the Djibouti Office of Industrial and Commercial Property in Djibouti. This includes PCT National Phase patents.

National Patents

3.2.1 Who can register a patent?

An inventor or successor in title can apply to register a patent.

3.2.2 What are the registration requirements?

The application for a patent must be made in writing in prescribed form and contain the following:

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- an explicit statement that a patent application is requested;
- a simply signed power of attorney;
- the patent title, abstract, description, claims and drawings;
- the applicant's details, including full name, nationality, legal status and physical address;
- the Deed of Assignment, if the applicant is not the inventor;
- a certified copy of the priority document, if claimed;
- the prescribed application fees.

3.2.3 What qualifies for registration

An invention will be patentable if it is new, involves an inventive step and is industrially applicable:

- novelty/new - an invention will be considered new if it does not form part of the prior state of the art;
- inventive step - an invention will be considered to involve an inventive step if, for a person skilled in the art, it is not obvious from the state of the art
- industrially applicable - an invention will be considered industrially applicable if it can be made or used in any kind of industry, including agriculture.

3.2.4 What cannot be registered?

The following are not patentable:

- plants and animals other than micro-organisms;
- methods of diagnostic, surgical or therapeutic treatment for the human or animal body. This does not apply to products, particularly substances or compositions, for the implementation of one of these methods;
- inventions whose commercial working or implementation would be contrary to public order or morality, or would infringe upon the health or life of people, animals, plants or the environment.

The following will not be considered inventions:

- naturally occurring discoveries, substances, materials and organisms, as well as parts or elements thereof;
- scientific theories and mathematical methods;
- the human body and the materials that make up the human body, at the various stages of its constitution and development, as well as the elements thereof, including the sequence or partial sequence of a gene;
- essentially biological processes for the production of plants and animals;
- literary and artistic works or any other aesthetic creation;
- schemes, rules and methods for performing mental acts, playing games or doing business;
- computer programs;
- presentations of information.

3.2.5 Where can I file an application?

Applications should be filed at the Djibouti Office of Industrial and Commercial Property. More details are available here: https://www.odpic.dj/.

3.2.6 How much does it cost?

National (Djibouti IP Office) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in the specific regulations. Both local and foreign applicants may pay these fees using the local currency (DJF). Application forms and information on fees are available at: https://www.odpic.dj/brevets/#TARIFS%20BREVETS.

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three Djibouti accredited professional representatives.

Likely overall registration costs for a Djibouti patent

An applicant can expect the cost of registering a patent to be approximately as shown in the following table, unless objections and/or other special circumstances that increase the costs apply.

Type of Fee	Official fees (DJF)
Application and grant fees	122 500
Patent search fees	45 000

3.2.7 How long does registration take?

Patent applications are examined formally in Djibouti, and there is no substantive examination. The registration process is completed on average within a year from the filing date of the application. This timeline includes a 3-month opposition period.

3.2.8 What is the duration of protection?

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

3.2.9 When are renewal fees paid?

Annual fees must be paid in advance for periods of 5 years each. Late payment is possible within a grace period of 6 months after the due date with a corresponding surcharge.

Annuities

The following government (official) fees are currently applicable:

Annuity Year	Official Fees (DJF)
1st period of 5 years	50 000
2nd period of 5 years	75 000
3rd period of 5 years	100 000
4th period of 5 years	125 000

3.3 INDUSTRIAL DESIGNS

Industrial designs are protected under Title IV of **Law No. 50/AN/09/6th L of July 19, 2009, on the Protection of Industrial Property**.

According to this law, any combination of lines or colours and, as an industrial design, any three- dimensional form, whether associated with lines or colours or not, will be deemed to be an industrial design, provided that this combination or form gives a special appearance to a product of industry or handicraft and can serve as a model for the manufacture of a product of industry or handicraft.

Djibouti industrial design registrations

Only national industrial designs can be registered in Djibouti. No regional or international routes are available for Djibouti industrial designs.

Examination and novelty of designs in Djibouti

Djibouti does not carry out a substantive examination of design applications. Applications are examined as to compliance with formal requirements only. The examination is based on a relative statement of novelty.

3.3.1 Who can register?

The person who created it or their successor in title can apply to register a design in Djibouti.

If two or more persons have jointly created an industrial design, the right to obtain legal protection will belong to them or to their successors in title jointly. Any person who has merely assisted in the creation of the industrial design without making any contribution of a creative nature will not, however, be considered a creator or co-creator.

3.3.2 What are the registration requirements?

The application must contain the following on the date of filing:

- a simply signed power of attorney;
- a request to register the design;

- the applicant's details, including full name, nationality, legal status and physical address;
- the number of designs and graphic or photographic reproductions included in the application;
- a graphic or photographic reproduction of the designs;
- the title of the product or products that constitute the industrial design or in relation to which the industrial design is to be used, with an indication whether the product or products constitute the industrial design or are products in relation to which the industrial design is to be used;
- the Deed of Assignment, if the applicant is not the creator;
- a certified copy of the priority document, if claimed;
- proof that the set fees have been paid.

A single application may include up to 100 industrial designs, provided that they are intended to be incorporated in objects arranged in the same class. Djibouti uses the Locarno Agreement Establishing an International Classification for Industrial Designs, although it is not a signatory.

A design is not required to have any objectively noticeable degree of aesthetic quality.

3.3.3 What qualifies for registration?

An industrial design may be protected if it is independently created and new.

The industrial design must differ from similar designs either through a separate, recognisable configuration giving it a character of novelty, or through one or more external aspects giving it a specific and new appearance.

An industrial design is new if it has not been made available to the public through concrete publication, usage or any other means anywhere in the world, prior to the date of its filing or, where applicable, prior to the date of validly claimed priority.

An industrial design will not be deemed to have been made available to the public solely because, within the period of 12 months preceding its date of filing, it appeared for the first time in an official or officially recognised international exhibition organised on the territory of one of the countries of the International Union for the

Protection of Industrial Property.

The design or model of a part of a complex product will only be considered new and to present an individual character to the extent that:

a) the component part, once it has been incorporated in the complex product, remains visible during normal use of the product by the end user, excluding maintenance, servicing or repair work;

b) those visible features of the component part fulfil the requirements as to novelty and individual character. Multiple design applications are possible in Djibouti, provided that all the designs are embodied in a single set of articles and belong to the same class.

3.3.4 What cannot be registered?

A design cannot be registered if:

- it is contrary to public order or morality;
- it reproduces acronyms, denominations, decorations, emblems and currencies;
- it is functional and serves solely to obtain a technical result.

3.3.5 Where can I file an application?

Applications should be filed at the Djibouti Office of Industrial and Commercial Property. More details are available here: https://www.odpic.dj/.

3.3.6 How much does it cost?

National (Djibouti Intellectual Property Office) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in the regulations. Both local and foreign applicants may pay these fees using the local currency (DJF). Application forms and information

on fees are available at https://www.odpic.dj/dessins-modeles/.

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three Djibouti accredited professional representatives.

Likely overall registration costs for a Djibouti Intellectual Property Office industrial design

An applicant can expect the cost of registering an industrial design approximately as shown in the following table, unless objections and/or other special circumstances which increase costs apply.

Type of Fee	Official fees (DJF)
Application and registration fees	122 500

3.3.7 How long does registration take?

Industrial design applications usually take an average of 6-9 months to complete registration.

3.3.8 What is the duration of protection?

A Djibouti Intellectual Property Office industrial design has an initial duration of 5 years from the filing date, and is renewable for two further consecutive 5-year terms.

3.3.9 When are renewal fees paid?

The registration must be renewed within 6 months prior to the expiry of its term of validity. A 6month grace period will be afforded to request renewal and pay the renewal fee following expiry, along with a set surcharge.

3.4 GEOGRAPHICAL INDICATIONS (GIS)

About GIs in Djibouti

GIs are protected under Law No. 50/AN/09/6th L of July 19, 2009, on the Protection of

Industrial Property. The law defines GIs and Appellations of origin as follows:

Geographical indication means any indication that identifies a product as being originally from a territory or region or area within the territory, in cases where a quality, reputation or other specific characteristic of the product is essentially due to this geographical origin.

Appellation of origin means the geographical name of a country, region or specific place used to designate a product originating therein whose quality, reputation or other given characteristics are due exclusively or essentially to the geographical environment, including natural and human factors.

3.4.1 Who can register?

There seems to be no existing provisions for the registration of GIs in Djibouti. However, the law provides for prohibited or unlawful acts in relation to GIs.

International Protection of Geographical Indications and Appellations of Origin from Djibouti

On February 13, 2024, the Government of the Republic of Djibouti deposited its instrument of accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indication ("Geneva Act"). It is believed that this accession will enable producers and other interested stakeholders of Djibouti to secure international protection of their origin products, such as the Sel du Lac Assal and the popular incense and spices from Djibouti, amongst others. Therefore, International applications via Lisbon's International System of Appellations of Origin and Geographical Indications is a filing and registration route.

The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ("the Geneva Act") was adopted in 2015 to modernize the Lisbon International Registration System, and extend protection to the broader category of Geographical Indications (GIs) in addition to Appellations of Origin (AOs). This, in turn, allows more products (i.e., those that do not qualify under the more stringent category of AOs) to benefit from the international protection mechanism offered by the Lisbon System. Also, the Geneva Act opens the Lisbon System to the accession of certain intergovernmental organizations (such as the European Union or the African Intellectual Property Organization.

More information is available in the following link: https://www.wipo.int/lisbon/en/

The Lisbon Agreement enables applicants to register a geographical indication or appellation of origin by filing a single application with the International Bureau of WIPO. This enables design owners to protect their designs with a minimum of formalities in multiple countries or regions. The Lisbon Agreement also simplifies the process of managing a geographical indication or appellation of origin.

International geographical indication or appellation of origin applications may be filed with the WIPO's International Bureau, either directly or through the industrial property 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 WIPO's International Bureau.

Prohibited acts in relation to GIs

It is, in particular, unlawful to make:

- direct or indirect use of a false or deceptive indication of the source of goods or services, or the identity of the producer, manufacturer or supplier thereof;
- direct or indirect use of a false or deceptive geographical indication or appellation of origin, or to imitate a geographical indication or an appellation of origin, even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by expressions such as, or similar to, 'kind', 'type' or 'imitation'.

3.4.2 Can European GIs be registered?

European GIs are not registrable under current national law. For information about the protection of the European GIs in African countries, please refer to the Organization for an International Geographical Indications Network at: https://www.origin-gi.com/.

3.5 LAYOUT DESIGNS OF INTEGRATED CIRCUITS

About layout designs of integrated circuits in Djibouti

Layout designs of integrated circuits are protected under Title III of Law No.

50/AN/09/6th L of July 19, 2009, on the Protection of Industrial Property.

The following definitions apply under this law:

- **Layout design (topography**) - the three-dimensional arrangement of elements (regardless of their positioning), at least one of which is an active component and all or part of the interconnections of an integrated circuit; or this type of three-dimensional arrangement created for an integrated circuit intended for manufacturing;
- **Integrated circuit** - a product, in final or intermediate form, of which at least one element is an active component, and some or all of its interconnections are an integral part of the body and/or surface of a piece of material that is intended to be used electronically.

There is no regional or international registration system through which layout designs can be registered in Djibouti.

3.5.1 Who can register?

The creator or their successors in title may make an application for registration of the layout design.

- Where several persons have jointly created a layout design, the right will belong to them jointly.
- Where the layout design has been made or created in the performance of a contract of employment or in the execution of a work, the right to protection will belong, unless otherwise stated in the contract, to the employer or the person who commissioned the work.

3.5.2 What are the registration requirements?

A request for a certificate for a layout design (topography) for integrated circuits must be accompanied by:

- a copy or a drawing of the layout design (topography) for integrated circuits;
- a sample of the integrated circuit, where the integrated circuit has been used commercially, as well as information defining the electronic function that the integrated circuit is intended to perform;

- the name, address, nationality and, if different from the address, the habitual residence of the applicant;
- the power of attorney granted to the agent by the applicant, where the application is made through an agent;
- the date of the first commercial exploitation of the layout design anywhere in the world, or an indication that this exploitation has not yet begun;
- information establishing the right to protection;
- the prescribed application fees.

3.5.3 What qualifies for registration?

Layout designs are protected if:

- they are original insofar as they are the fruit of the intellectual effort of their creators and, at the time of their creation, are not common for the creators of layout designs (topographies) and manufacturers of integrated circuits;
- they consist of a combination of elements or interconnections that, considered as a whole, meet the conditions referred to in the above paragraph.

3.5.4 What cannot be registered?

Layout designs that are not original and have been exploited commercially for more than 2 years prior to the application for their registration.

3.5.5 Where can I file an application?

The Djibouti Office of Industrial and Commercial Property. More details are available here: https://www.odpic.dj/.

3.5.6 How much does it cost?

National (Djibouti Intellectual Property Office) fees

Registration fees consist partly of government (official) fees and partly of professional fees, as indicated below.

Government (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (DJF). Application forms and information on fees are available at https://www.odpic.dj/dessins-modeles/.

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three Djibouti accredited professional representatives.

Likely overall registration costs for a layout design

An applicant can expect the cost of registering a layout design to be approximately as shown in the following table, unless objections and/or other special circumstances that increase the costs apply.

Type of Fee	Official fees (DJF)
Application fees	122 500

3.5.7 How long does registration take?

Unless substantive objections are raised or there are unusual delays, an integrated circuit layout design may take 6-9 months to complete registration.

3.5.8 What is the duration of protection?

In Djibouti, layout designs (topographies) for integrated circuits will be protected for 10 years from the date on which the corresponding application is filed or from the first commercialisation of said design anywhere in the world, whichever date comes first.

3.5.9 When are renewal fees paid?

There are no prescribed renewal fees that must be paid after the 10-year registration term.

3.6 TRADITIONAL KNOWLEDGE AND EXPRESSIONS OF FOLKLORE

There are no provisions for registration and protection of traditional knowledge in Djiboutian copyright law.

Expressions of Folklore are protected under Title IV of the Copyright and Neighboring Rights Law No. 154/AN/06 of July 23, 2006.

3.6.1 Who can register?

There are no provisions for registration of expressions of folklore by individuals or communities or their duly appointed community representatives.

3.6.2 What qualifies for protection?

- **Expressions of folklore** - all literary, scientific and artistic works created by authors presumed to be of Djiboutian nationality, passed from generation to generation and constituting one of the basic elements of traditional Djiboutian cultural heritage.
- **Work inspired by folklore** - any work composed exclusively of elements borrowed from traditional Djiboutian cultural heritage.
- **Derived works** - translations, adaptations, transformations or arrangements of works of the mind or expressions of folklore will enjoy the protection afforded by the copyright law, without prejudice to the rights of the authors of the original work. This will also apply to anthologies or collections of works, expressions of folklore or data such as databases that, due to the selection or arrangement of their contents, constitute intellectual creations.

3.6.3 Scope of protection

- The public performance and direct or indirect establishing of expressions of folklore with a view to exploitation for profit-making purposes will be subject to prior authorisation by the Office of Copyright and Neighboring Rights, following the payment of a royalty, which will be 50 % of royalties received for the use of similar protected works. The proceeds from royalties will be used

for cultural and social purposes for the benefit of national authors.

- Copies of expressions and works of national folklore, as well as copies of translations, arrangements and other transformations of these works, made abroad without the authorisation of the Office of Copyright and Neighboring Rights, may not be imported or distributed in the national territory.
- Any user of expressions of folklore must respect their integrity and ensure that they are communicated to the public with full respect for that integrity.

3.7 COPYRIGHT AND NEIGHBOURING RIGHTS

About copyright and neighbouring rights in Djibouti

Djibouti has a dedicated law for the protection of copyright and neighbouring rights, namely the Copyright and Neighboring Rights Law No. 154/AN/06 of July 23, 2006.

The provisions of the above law protect copyright in all original literary, scientific or artistic works of any kind, form of expression, merit or purpose.

Original work means a work that, by its characteristic elements and its form, or by its form alone, enables its author to be identified.

Derivative work means a work based on pre-existing elements.

3.7.1 Can I register?

Copyright exists automatically when any original work is created in one of the categories that is protected by the copyright law. The copyright protection provided for in Djibouti is not subject to any formalities.

3.7.2 What qualifies for protection?

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

- books, pamphlets and other literary, artistic and scientific writings;
- lectures, addresses, sermons, pleadings and other works of that nature;

- works created for the stage, including both dramatic and dramaticmusical works and choreographic and mimed works, the production of which is established in writing or otherwise;
- musical compositions with or without words;
- works of drawing, painting, engraving and lithography;
- works of applied art such as tapestries and handicrafts, including the drawings and models thereof;
- works of architecture, comprising designs, models and the building itself;
- sculptures, bas-relief and mosaics of all kinds;
- photographic works, which includes, for the purposes of this law, works expressed following a process analogous to photography;
- cinematographic works, which includes, for the purposes of this law, works expressed following a process analogous to cinematography;
- geographical maps, illustrations, plans, sketches and three-dimensional works relative to geography, topography, architecture and science;
- computer programs, expressed in source code or object code;
- derivative works.

3.7.3 What cannot be protected?

The following will not be protected under the Djibouti Copyright Law:

- laws, judicial decisions, decisions of administrative bodies, as well as official translations of these texts;
- news of the day or miscellaneous facts that constitute mere items of press information, published, broadcast or communicated to the public;
- ideas, processes, systems, operating systems, concepts or principles, although protection may extend to their expression;
- any work that is contrary to law, public order or morality.

3.7.4 What are the requirements for legal protection?

The protectable work in the categories listed in **3.8.2** must be original.

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

Permitted acts that do not infringe copyright include:

- the reproduction, translation, adaptation, arrangement or other transformation of work exclusively for the producer's own personal or private use;
- the inclusion of non-substantial quotations from another work, including quotations from newspaper articles and periodicals in the form of press summaries, provided that the quotations are compatible with fair practice, their extent does not exceed that justified by the purpose, and the source and the name of the author of the cited work are mentioned in the work that includes the quotation;
- the use of the work by way of illustration in publications, broadcasts or sound or visual recordings for teaching to the extent justified by the intended purpose, or communication for teaching purposes of the work broadcast for use in schools, educational establishments, universities and vocational training, provided that this use is compatible with fair practice and that the source and the name of the author of the work are mentioned in the publication, broadcast or recording;
- the public performance of a work at official ceremonies, to the extent that this is justified by the nature of such ceremonies; or in the framework of the teaching activities of an educational centre;
- the reproduction by a photographic or similar process by public libraries, non-commercial documentation centres, scientific institutions and educational centres, of literary, artistic or scientific works that have already been lawfully made available to the public, provided that the number of copies made is limited to the needs of their regular activities and that said reproduction does not conflict with the normal uses of the work nor unreasonably prejudices the legitimate interests of the author;
- the reproduction in the press or the communication to the public of: (1) any political speech or any speech delivered during legal proceedings; any lecture, address, sermon or other work of the same nature delivered in public, provided that the use is exclusively for the purpose of current information and to the extent justified by the intended purpose. The author will retain the right to publish collections of said works; (2) an article published in

newspapers or periodicals on economic, political or religious topics, and the broadcast of any work of the same character, in cases where the right of reproduction, broadcast or communication to the public is not explicitly reserved;

- for the purpose of reporting on current events by means of photography, cinematography, broadcast or communication by wire to the public, the reproduction or making available to the public, to the extent justified by the informative purpose, of any work that can be seen or heard in the course of the said current event;
- the reproduction of works of art or architecture through cinematography or television and the communication of these works to the public if the works are permanently located in a place where they can be viewed by the public or are included in the film or program as background or as incidental to the essential matters represented;
- the production of a copy or adaptation of software by the legitimate owner, provided that the copy or adaptation is:
    - necessary for archiving and to replace the legally held copy if it is lost, destroyed or rendered unusable;
    - necessary for using the computer program for the purposes for which it was obtained, and that any copy or adaptation is destroyed where the prolonged ownership of the copy of the computer program ceases to be lawful.

3.7.6 What acts are not permitted in relation to copyright works?

Unpermitted/restricted acts include:

- reproduction of the work;
- translation of the work;
- adaptation, arrangement or any other transformation of the work;
- distribution of the original or a copy of the work to the public;
- rental of the original or a copy of an audio-visual work, a work embodied in a phonogram or a computer program;
- public performance of the work;
- broadcasting of the work;

- other communication to the public of the work.

3.7.7 What is the duration of protection?

The duration of copyright protection is as follows:

- **literary and artistic works**: the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- **cinematographic work**: until the expiry of a period of 50 years from the date when the work was made lawfully accessible to the public with the author's consent;
- **work published anonymously or under a pseudonym**: until the date when the work was lawfully made available to the public for the first time. However, the normal term of literary works will apply if the identity of the author is revealed or if there is no doubt about the real identity of the author before the expiry of that period;
- **posthumous works**: the rights will belong to the author's successors in title for a period of 50 years from the production of the work, provided that the work has been disclosed during this period. Posthumous works disclosed to the public after the expiry of this period will be protected for 25 years from the date of disclosure;
- **a broadcast**: 50 years from the end of the year in which the broadcast first took place;
- **a programme-carrying signal**: 50 years from the end of the year in which the signal was first emitted to a satellite;
- **a published edition**: 50 years from the end of the year in which the edition was first published;
- **photographic work or work of applied art**: 25 years from the production of the work.

3.7.8 Can I renew copyright after its term of protection expires?

Copyright cannot be renewed in Djibouti once its term has expired. The work enters the public domain at the end of the term of protection.

Links to legislation:
Industrial Property Laws - https://www.wipo.int/wipolex/en/text/260854
Copyright Law - https://wipolex.wipo.int/en/text/260882

Links to institutions:
AfCFTA – Africa Trade House, Ambassadorial Enclave, Liberia Road, Ridge, Accra Ghana: https://au-afcfta.org/

European Commission

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