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GUINEA

SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Conakry
Population:	12.4 million (2018)
Currency of government (official) fees:	Guinean franc (GNF)
Language for filing IP applications:	French
GDP per capita (US$):	1 174.4 (World Bank, 2021)
Human Development Index:	0.4 (World Bank, 2020)
Main exports:	Gold, Aluminium Ore, Aluminium Oxide, Crude Petroleum, and Non-filleted Frozen Fish
Main imports:	Rice, Packaged Medicaments, Cars, Rolled Tobacco, and Motorcycles

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

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

- OAPI, Bangui Agreement Instituting an African Intellectual Property Organization, Act of December 14, 2015;
- Paris Convention for the Protection of Industrial Property of 20 March 1883, as revised at Stockholm on 14 July 1967 and amended on 28 September 1979;
- Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886, as last revised at Paris on 24 July 1971, and/or the Universal Copyright Convention as revised at Paris on 24 July 1971 and amended on 28 September 1979;
- Hague Agreement concerning the International Registration of Industrial Designs of 6 November 1925, as revised at the Hague on 28 November 1960, and at Stockholm on 14 July 1967, at Geneva on 28 September 1979 and 2 July 1999;
- The Convention Establishing the World Intellectual Property Organization of 14 July 1967 and amended on 28 September 1979;
- The Patent Cooperation Treaty of 19 June 1970 and amended on 28 September 1979, modified on 3 February 1984 and 3 October 2001;

- The Marrakesh Agreement establishing the World Trade Organization, including the agreement on Trade-Related Aspects of Intellectual Property Rights of 15 April 1994;
- The Protocol relating to the Madrid Agreement concerning the International Registration of Marks of 27 June 1989 amended on 3 October 2006 and on 12 November 2007;
- The Singapore Treaty on the law of Trademarks of 27 March 2006;
- The World Intellectual Property Organization Copyright Treaty of 20 December 1996;

Guinea is not a member of the Nice Agreement. However, the OAPI region trade mark classification system is based on the NICE classification system.

1.3 REGIONAL AGREEMENTS

Guinea is a member of the following regional agreements:

- **AfCFTA** (the 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 have an impact on the future shape of Guinea's legislation.
- **ECOWAS** (the Economic Community of West African States). ECOWAS has no regional IP agreements, protocols or registration systems in place. ECOWAS is composed of 15 states. They are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN GUINEA

The following IP protection is available in Guinea:
1) trademarks: regional (OAPI) and international (Madrid);
2) patents: regional (OAPI);
3) utility models: regional (OAPI);
4) industrial designs: regional (OAPI);
5) geographical Indications: regional (OAPI);
6) layout designs of integrated circuits: regional (OAPI);
7) traditional knowledge and handicrafts: No specific law;
8) copyright and neighbouring rights: national, regional (OAPI);

1.5 IP REGISTRATION ROUTES

IP protection in Guinea can be secured at three levels: national, regional and international, depending on the IP rights involved.

National

Out of the eight IP rights mentioned above, just one (copyright) is protected at the national level. Registrations are done at the level of copyright management bodies.

Regional

Guinea is a contracting party to OAPI, Bangui Agreement Instituting an African Intellectual Property Organization, Act of December 14, 2015 covering Industrial Property Rights. The regional registration route is community inclined. Here, a single filing covers all the OAPI 17 member states.

International

Guinea is also a contracting party to the Madrid Protocol, the Hague Agreement and the Patent Cooperation Treaty (PCT). It is therefore possible to register international trade marks and designate the OAPI through the Madrid System. More information is available at: https://www.wipo.int/madrid/en/

Guinea via OAPI is also a contracting party to the Hague System for the international registration of industrial design, which means that it is possible to register industrial designs through the International Bureau directly in WIPO.

Choosing a suitable registration route: trademarks, patents, utility models and industrial designs.

A **national** route is exclusively for copyright.

A **regional** route through the OAPI is mandatory for the following IP registrations (trade mark, utility model, patent, industrial design, geographical indications, layout designs of integrated circuits and new plant varieties).

An **international** route is advisable for trade mark and industrial design protection only, when protection is required in more countries than are covered by the OAPI regional trade mark system or in the case of industrial designs, where international protection is required beyond the regional scope of the protection available under the Bangui Agreement.

Useful information:

Professional representation

Foreign applicants whose principal place of business is outside the OAPI member states must appoint a local agent. The OAPI accepts signed powers of attorney without any need for notarisation. However, you should check with your IP service provider in the OAPI region whether hard copies are necessary or scanned copies sent by email are acceptable. A list of OAPI representatives (by country) is available at: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi

Trade marks

The trade mark law applicable in the OAPI has established a regional trade mark system where a single filing covers its 17 member states with no accepted individual country designation.

OAPI countries are not a signatory to the Nice Agreement. However, the OAPI uses the Nice Classification. Classifications based on the latest edition of Nice at the time of filing an application are accepted.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

Guinea is a signatory to the WTO's TRIPS Agreement. Its IP laws, though regionally inclined, are substantially TRIPS-compliant in terms of providing a legal framework for the protection and enforcement of IP rights.

No specific entity has been endorsed to enforce compliance and bring IP infringers to justice. This is done by IP rights owners. However, the OAPI and its High Commission of Appeal is charged with ruling on administrative litigations, most notably oppositions, restorations, claim of ownership proceedings, etc.

Beside the Administrative litigation role of the OAPI, the organisation also has the mission of training IP experts, magistrates and custom officers on how to combat IP infringement. There have been training sessions organised by the OAPI and Interpol, and also with WIPO.

For copyrights, Law No. 00342 of 12 April 2012 establishing the system of literary and artistic property in the Republic of Guinea provides for conservatory measures that seek to prevent infringements and also to preserve relevant evidence related to an alleged infringement. In addition, the law empowers the police to conduct search operations on premises where it is suspected that infringing goods are concealed, and to seize any of such goods. Civil remedies include court injunctions, confiscation of infringing 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. A copyright owner is expected to 'police' their work and take action against infringers of their rights. This means that the rights holder should initiate action such as reporting infringements to the police or customs (in the case of the importation of infringing goods) and also seek the intervention of the courts to fight third parties who infringe their rights.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADE MARKS

Regional and international trade marks can be registered in the OAPI as explained below.

Benefits of registering a trade mark

- A registered trade mark in the OAPI will automatically cover all 17 member states;
- 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 it or obtaining financing.

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 business in Guinea (OAPI region) needs a professional representative.

3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- application letter containing the name, nationality and address of the applicant; or full name (as on the Certificate of Incorporation) and address of the company;
- a completed Application for Registration of a Trademark (M301) and payment of the corresponding application fee;
- a list of the goods and/or services, based on the Nice Classification;
- 2 printouts of the trade mark;
- a certified copy of the priority document, if applicable;
- a signed power of attorney if the applicant is represented; notarisation is not required;
- the corresponding application fee.

3.1.3 What qualifies for registration?

With reference to Article 2 Annex 3 of the Bangui Agreement, any visible or audible sign used or intended to be used and capable of distinguishing the goods or services of any natural or legal person will be considered a trade mark or service mark.

In particular, the following may constitute such sign:

Denominations in all forms such as words, combination of words, surnames in and of themselves or in a distinctive form, special, arbitrary or fanciful designations, letters, abbreviation and numerals.

Figurative signs such as drawings, label seals, selvedges, reliefs, holograms, logos, synthesised images, shapes (especially those of the product or its packaging or ones that are characteristic of the service) and arrangements, combinations and shades of colours;

Audible signs such as sounds and musical phrases;

Audio visual signs and series of signs..

3.1.4 What cannot be registered?

With reference to Article 3 Annex 3 of the Bangui Agreement a mark may not be validly registered if:

It is not distinctive, in particular because it is composed of signs or matter constituting the necessary or genetic designation of the product or its composition;

It is identical to a mark that belongs to another owner and is already registered, or to marks whose filing or priority date is earlier and which relates to the same or similar goods or services, or it resembles a mark so much that it is liable to mislead or confuse;

It is contrary to public policy, morality or the law;

It is liable to mislead the public or business circles, in particular as to the geographical origin, nature or characteristics of the goods or services in question;

It reproduces, imitates or incorporates armorial bearings, flags or other emblems, the abbreviated name or acronym or an official sign or hallmark indicating control and warranty of a state or intergovernmental organisation established by an international conventional, except where the competent authority of that state or organisation has granted permission.

3.1.5 Where can I file an application?

- OAPI main office;
- OAPI national liaison offices in member states;
- OAPI designation through the international bureau.

3.1.6 How much does it cost?

Government (official) fees

T The fee schedule is published in a statutory instrument. Both local and foreign applicants

may pay these fees using the local currency (GNF). Application forms and information on fees are available through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three OAPI-accredited professionals. A list is available through this link: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi

Likely overall registration costs

An applicant can expect the cost of registering a trade mark to be in the region of the amounts set out in the table below (in GNF), unless objections and other special circumstances that may increase the costs apply.

Description of Process/Service	Official Fees (GNF)
Application to register a trade mark in colour or black and white	5 146 692
Surcharge for additional class	1 072 227.50
Priority claim for each priority	1 072 227.50

3.1.7 How long does registration take?

The trade mark registration process takes 6-9 months from the filing date to completion, assuming that there are no unusual delays and no oppositions. This includes an opposition period of 3 months.

3.1.8 What is the duration of protection?

Ten years from the filing date, renewable.

3.2 PATENTS

Guinea Patent Registration

Regional (OAPI) patents can be registered in Guinea in the following ways.

Regional

- Annex I of the Bangui Agreement, Act of December 14, 2015

The OAPI has 17 member states: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea and Republic of Comoros.

The OAPI patent system is a regional system where a single application automatically covers the OAPI's 17 member states. **Here, no (national route) individual country designation is allowed.**

Choosing between a national or regional patent registration for Guinea

No (national route) or individual country designation is allowed.

Choosing a patent filing route

Guinea is a member of the PCT. Patent applications under the OAPI system have a single route, that is the regional system. Once this is done, applicants can opt for the PCT. However, the PCT provides a patent filing rather than a patent registration route.

National or Regional Patents

3.2.1 Is it possible to get a national patent in Guinea?

National patents are not recognised in Guinea. As a member of the OAPI patent system, Guinea applies the regional patent system.

3.2.2 What are the registration requirements for a regional patent?

A patent application must contain the following:

- a request on the prescribed form;
- the patent title, abstract, description, claims and drawings;
- the applicant's details, including full name, nationality, legal status and physical address or, if it is a company, its Certificate of Incorporation;
- the Deed of Assignment, if the applicant is not the inventor;
- a certified copy of the priority document, if applicable;
- the corresponding application fees.

3.2.3 What qualifies for registration?

A patent must meet the following requirements:

- **Novelty** which must be an 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 preceded 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;
- **Susceptible of industrial applicability** in that it can be used in any kind of industry.

3.2.4 What cannot be registered?

The following inventions cannot be patented:

- a discovery of a plant, animal, microorganism or substance as found in nature, including the human body;
- a scientific theory or mathematical method;
- a literary, dramatic, musical or artistic work or any other aesthetic creation;
- a scheme, rule or method for doing business, performing mental acts or playing a game;
- methods for the treatment of the human or animal body by surgery or therapy, including diagnostic methods practiced in relation to them, except products for use in any such methods;
- an invention whose commercial exploitation is necessary to protect public order or morality, including the protection of human or animal health, plant life or to avoid prejudice to the environment;
- plants and animals other than microorganisms;
- Essential biological processes for the production of plants or animals.

3.2.5 Where can I file an application?

- OAPI main office;
- OAPI national liaison offices in member states.

3.2.6 How much does it cost?

OAPI (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (F.CFA). Application forms and information on fees are available through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three OAPI-accredited professionals. A list is available through this link: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi

Likely overall registration costs for an OAPI patent

An applicant can expect the cost of registering a patent to be in the region of the amounts set out in the table below (in GNF), unless objections and other special circumstances that may increase the costs apply.

Type of Fee	Official Fees (GNF)
Application to register a patent 1 year	3 216 682.50
Priority claim for each priority	900 671.10
Patent publication fee	5 218 173.84
Surcharge for each additional claim above the 10th claim	643 336.50
Surcharge for patent descriptions from 11 to 20 pages	1 715 564
Surcharges for patent descriptions from 21 to 30 pages	4 288 910
Surcharges for patent descriptions from 31 to 40 pages	8 577 820.01
Patent annuities fee for each annuity (2nd, 3rd, 4th & 5th)	3 145 200.67

3.2.7 How long does registration take?

Regional-route Guinea applications are substantively examined by the OAPI and take 6-9 months on average to complete the registration, assuming that there are no objections.

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?

Regional patents

Renewal fees are paid from the second anniversary of the filing date up to the 20th year. Late payment is possible, with a corresponding surcharge, within a grace period of 6 months after the due date.

Annuities

The following government (official) fees are currently applicable:

Type of Fee	Official Fees (GNF)
Annuity 2nd year	3 145 200.67
Annuity 3rd year	3 145 200.67
Annuity 4th year	3 145 200.67
Annuity 5th year	3 145 200.67
Annuity 6th year	5 361 137.50
Annuity 7th year	5 361 137.50
Annuity 8th year	5 361 137.50
Annuity 9th year	5 361 137.50
Annuity 10th year	5 361 137.50
Annuity 11th year	7 148 183.34
Annuity 12th year	7 148 183.34
Annuity 13th year	7 148 183.34
Annuity 14th year	7 148 183.34
Annuity 15th year	7 148 183.34
Annuity 16th year	9 292 638.34
Annuity 17th year	9 292 638.34
Annuity 18th year	9 292 638.34
Annuity 19th year	9 292 638.34
Annuity 20th year	9 292 638.34

OAPI- patent (Guinea)

Renewal fees are payable up to the 20th year. Before payment, it is advisable to confirm the amount of the fees on the OAPI website, as the official fees may change. The latest fees are available through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

The OAPI applies a community patent system where a single payment covers 17 countries.

3.3 UTILITY MODELS

Article 1, Annex II of the Bangui Agreement, Act of December 14, 2015 defines a utility model to be implements of work or objects intended to be utilised or parts of such implements or objects, provided they are useful for the work or employment for which they are intended on account of a new configuration, a new arrangement or a new component device and are industrially applicable.

In some jurisdictions, utility models are referred to as 'petty patents' because they are similar to patents but require less stringent conditions for registration and are registered for a shorter term than a conventional patent.

Guinea Utility Model Registrations

Regional

- Annex II of the Bangui Agreement, Act of December 14, 2015

The OAPI has 17 member states: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea and Republic of Comoros.

The OAPI utility model system is a regional system where a single application automatically covers the OAPI's 17 member states. **Here, no (national route) individual country designation is allowed.**

National Utility Models

3.3.1 Existence of national utility models

National utility models are not allowed

3.3.2 Where can I file an application?

Regional applications can be filed at OAPI regional offices or through OAPI liaison offices located in the member states. For the time being, electronic applications are not yet operational.

3.3.3. OAPI utility model fees

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

OAPI utility model registration fees

Fees must be paid through the OAPI if an applicant chooses to register a utility model in the OAPI region. A single registration covers 17 OAPI countries. The OAPI's fees are reviewed regularly. The latest fees are available through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

Application fees consist of three components, as follows:

Type of Fee	Official Fees (GNF)
Application to register a utility model 1st year	285 927.33
Priority claim for each priority	357 409.17
Utility model publication fee	428 891
Surcharge for additional claim above the 10th claim	571 854.67
Utility model annuity fee 2nd to 5th year (for each year)	285 927.33
Utility model annuity fee 6th to 10th year (for each year)	500 372.83

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 OAPI-accredited professionals. A list is available through this link: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi

3.3.4 How long does registration take?

Regional applications - are substantively examined by the OAPI. These applications can take 6-9 months to complete the registration, assuming that only minimal official actions are needed and there are no objections.

3.3.5 What is the duration of protection?

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

3.3.6 When are renewal fees paid?

Renewal fees must be paid each year, starting one year after the filing date of the application or the grant of the utility model.

Late payment of the annual fees, with a corresponding surcharge, is possible within a grace period of 6 months after the due date.

OAPI Renewal (official) fees

Renewal fees are payable up to the 10th year. Before payment, it is advisable to confirm the amount of the fees on the OAPI website as the official fees may change. The latest fees are available through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

The following government (official) fees are currently applicable:

Type of Fee	Official Fees (GNF)
Annuity 2nd year	285 927.33
Annuity 3rd year	285 927.33
Annuity 4th year	285 927.33
Annuity 5th year	285 927.33
Annuity 6th year	500 372.83
Annuity 7th year	500 372.83
Annuity 8th year	500 372.83
Annuity 9th year	500 372.83
Annuity 10th year	500 372.83

3.4. INDUSTRIAL DESIGNS

Article 1, Annex IV of the Bangui Agreement, Act of December 14, 2015 defines a design to be any arrangement of lines or colours and a model of any three-dimensional shape, whether or not associated with lines or colours, provided that this arrangement or shape gives a special appearance to an industrial or craft product and may serve as a pattern to manufacture the product.

Guinea Industrial Design Registrations

Regional (OAPI) and international (WIPO/Hague System) industrial designs can be registered in the following ways:

Regional

- Annex IV of the Bangui Agreement, Act of December 14, 2015

The OAPI has 17 member states: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea and Republic of Comoros.

The OAPI industrial design system is a regional system where a single application automatically covers the OAPI's 17 member states. Here, no (national route) individual country designation is allowed.

International

Industrial Designs: Hague Agreement

The OAPI, on behalf of Guinea, is a signatory of the Hague Agreement, which means it can be designated for purposes of registering an industrial design under the Hague System for the international registration of industrial designs. Read about the Hague System here: https://www.wipo.int/hague/en/

- The Hague System Agreement lets applicants register an industrial design by filing a single application with the International Bureau of WIPO. This enables design owners to protect their designs with minimal formalities in multiple countries or regions. The Hague Agreement also simplifies managing an industrial design registration, since it is possible to record subsequent changes and renew the international registration through a single procedural step.

- International design applications may be filed with the International Bureau of WIPO, 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 the International Bureau of WIPO.

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

Choosing between a national or regional industrial design registration for Guinea

As a member of the OAPI industrial design system, Guinea applies exclusively to regional industrial design registration. Here, a single filing automatically covers the 17 OAPI member states.

Examination and novelty of designs under the OAPI system

The OAPI does substantive examination of design applications, but it should be noted that this

examination does not apply to aspects of novelty of the industrial design.

OAPI Industrial Designs

3.4.1 Who can register?

A creator or assignee of an industrial design can apply to register a design in the OAPI region.

It is possible for two or more persons or companies to jointly own and apply for the registration of an industrial design (in case of co-ownership).

3.4.2 What are the registration requirements?

A design application must contain the following documents:

- the applicant's full details, including full name, nationality, legal status, physical address and full company details if the applicant is a company;
- at least two graphical representations of the design;
- the kind of products to which the industrial design applies;
- the corresponding application fees;
- the power of attorney if represented by an accredited agent.

3.4.3 What qualifies for registration?

An industrial design is registrable if it is new. For a creation to qualify for design registration it must clearly identify novel features of the design in terms of:

- shape;
- configuration;
- pattern and/or ornament.

Multiple design applications are possible in the OAPI, provided that all the designs are embodied in a single set of articles and belong to the same class.

3.4.4 What cannot be registered?

The following cannot be registered:

- designs that are contrary to the law, public policy or morality.

3.4.5 Where can I file an application?

Regional applications can be filed at an OAPI regional office or through OAPI liaison offices located in member states. For the time being, electronic applications are not yet operational.

3.4.6 How much does it cost?

These fees are paid through OAPI. The OAPI's fees are reviewed regularly. The latest fees are available through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

Application fees, are as follows:

Type of Fee	Official Fees (GNF)
Application to register an industrial design	714 818.33
Surcharge per undivided group of ten (10) designs	142 963.67
Industrial design publication fee	428 891
Renewal 5th Year	1 644 082
Renew 10th Year	1 644 082

Note on professional fees

Professional fees vary and it is advisable to obtain comparative quotes of fees from at least three OAPI-accredited professionals. A list is available through this link: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi

3.4.7 How long does registration take?

Regional applications - are substantively examined by OAPI. These applications can take 6-9 months to complete the registration, assuming that only minimal official actions are needed and there are no objections.

3.4.8 What is the duration of protection?

An industrial design has an initial duration of 5 years from the filing date, with the possibility of two further consecutive 5-year terms, for a total of 15 years.

3.4.9 When are renewal fees paid?

Renewal fees must be paid before the due date. **See the different renewal fees above.**

In the OAPI, renewal fees are payable before the due date (that is the anniversary date of renewal). Late payment of the renewal fees is possible within a grace period of 6 months after the due date.

OAPI-registered design renewal fees

Before payment, it is advisable to confirm the amount of the fees on the OAPI website, as the official fees may change. The latest fees are available through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

The following OAPI renewal fees are currently applicable:

Annuity Years	OAPI Fee (GNF)
5 - 10	1 644 082
10 - 15	1 644 082

Professional services renewal fees

These are usually payable as a flat-rate fee per annuity payment. The OAPI industrial design system is a community system where a single payment of annuity covers its 17 member states. It is advisable to compare the fees of different IP agents.

International Industrial Designs:

These are registrable under the Hague System through the International Bureau of WIPO. More information is available through this link: https://www.wipo.int/treaties/en/registration/hague/summary_hague.html

The Hague System 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 minimal formalities in multiple countries or regions. The Hague Agreement also simplifies managing an industrial design registration, since it is possible to record subsequent changes and renew the international registration through a single procedural step.

3.5. GEOGRAPHICAL INDICATIONS (GIs)

About GIs in Guinea - OAPI

Article 1, Annex VI of the Bangui Agreement, Act of December 14, 2015 defines geographical indications (GIs) to be an indication that serves to identify a product as originating from a place, a region or a country, in those cases where the quality, reputation or other specific characteristics of the product may be essentially attributed to this geographical origin.

In Guinea, GIs are registered exclusively through the regional route (OAPI) and are governed by Annex VI of the Bangui Agreement, Act of December 14, 2015.

OAPI has 17 member states: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea and Republic of Comoros.

The OAPI GIs system is a regional system where a single application automatically covers the OAPI's 17 member countries. Here, no (national route) individual country designation is allowed.

3.5.1 Who can register?

The following can apply for the registration of a GI:

- farmers or any other person exploiting natural products;
- manufacturers of products of craft or industry;
- processors of natural or agricultural products; and
- any person who trades these products.

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 appear to be registrable under the current OAPI GIs law. For information about the protection of the European GIs in African countries, the Organisation for an International Geographical Indications Network should be consulted at: https://www.origin-gi.com/worldwide-gi-compilation/

3.5.3 What are the registration requirements?

An application for the registration of a GI must include:

- an application addressed to the Director-General of the Organisation;
- a document proving payment to the Organisation of the filing fee;
- the geographical indication;
- a reasoned notice of validation of the geographical indication by the competent Ministry of the State of origin of the geographical indication;
- the specifications, containing in particular the following:
- the applicant;
- the name of the producer;
- the type of product;
- the specifications of the product, setting out in particular the quality, reputation or other characteristics of the products for which the indication is used;
- the delimitation of the geographical area;
- the breeding method;
- the link to the origin;
- the inspection plan; and
- the labelling;
- the articles of association of the group of producers, if applicable;
- the agent's power of attorney, if applicable; and
- proof of registration of the geographical indication in the country of origin, for foreign geographical indications.

3.5.4 What qualifies for registration?

To be registrable, a GI has to be an indication that serves to identify a product as originating from a place, a region or a country, in those cases where the quality, reputation or other specific characteristic of the product may be essentially attributed to its geographical origin. 'PRODUCT' means any natural, agricultural, craft or industrial product.

3.5.5 What cannot be registered?

Geographical indications cannot be registered if they are:

- indications that do not correspond to the definition in Article 1(a) of Annex VI of the Bangui Agreement, Act of December 14, 2015;
- indications that are contrary to public policy or morality or those which, in particular, are likely to deceive the public, in particular as to the nature, source, manufacturing process, characteristic qualities or suitability for their purpose of the goods concerned;
- indications that are not protected in their country of origin or have ceased to be protected in that country.

3.5.6 Where can I file an application?

Applications can be filed at OAPI regional offices or through OAPI liaison offices located in the member states. Electronic applications are not yet operational.

3.5.7 How much does it cost?

OAPI fees

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

Official fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (GNF). Application forms and information on fees are available through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three OAPI-accredited professionals. A list is available through this link: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi

Likely overall registration costs for an OAPI Geographical Indication

An applicant can expect the cost of registering a GI to be in the region of the amounts set out in the table below (in GNF), unless objections and other special circumstances that may increase the costs apply.

Type of Fee	Official Fees (GNF)
Filing and publishing an application for the registration of a geographical indication	7 148 183.34

3.5.8 How long does registration take?

Unless substantive objections are raised or there are unusual delays, a GI application takes, on average, 14 months to complete the registration. This includes an opposition period of 3 months.

3.5.9 What is the duration of protection?

Subject to compliance with the specifications of the OAPI law, the protection conferred on a geographical indication is unlimited in duration.

3.6. LAYOUT DESIGNS OF INTEGRATED CIRCUITS

About Layout Designs of Integrated Circuits in Guinea

Article 1(a), Annex IX of the Bangui Agreement, Act of December 14, 2015 defines 'integrated circuit' as a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections, are integrally formed in or on a piece of material and which is intended to perform an electronic function.

Article 1(b), Annex IX of the Bangui Agreement, Act of December 14, 2015 defines 'layout design' (synonym of 'topography') as the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an integrated circuit or a three-dimensional disposition prepared for an integrated circuit intended for manufacture.

Article 1(c), Annex IX of the Bangui Agreement, Act of December 14, 2015 defines 'holder' as the natural or legal person who is to be regarded as the beneficiary of the protection referred to in Article 7 of Annex IX of the Bangui Agreement, Act of December 14, 2015.

In Guinea, Layout Designs of Integrated Circuits ('layout designs') are registered exclusively through the regional route (OAPI) under Annex IX Part V of the Bangui Agreement, Act of December 14, 2015.

The OAPI has 17 member states: Cameroon, Benin, Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Guinea Bissau, Mali, Mauritania, Niger, Senegal, Togo, Equatorial Guinea and Republic of Comoros.

Currently, the OAPI has no registered Layout Designs of Integrated Circuits ('layout designs').

3.6.1 Who can register?

An application for registration of a layout design can be made by, or on behalf of, the following:

- a person claiming to be the proprietor of the design;
- co-owners claiming proprietorship over the design;
- a person claiming to be the proprietor's assignee or successor in title

3.6.2 What are the registration requirements?

An application for the registration of a layout design must include:

- an application for registration of the layout design addressed to the Director-General bearing, inter alia, the applicant's name, address, nationality and, where the nationality is different from the address given, the address of habitual residence;
- a document proving payment of the required fees to the Organisation;
- a short and precise description of the layout design with sufficient information on how best to exploit the layout design known to the creator on the date of deposit and, in the event that a priority is claimed, the priority date of the application;
- the powers of the applicant's agent, where appropriate, a copy or a drawing of the layout design, together with information defining the electronic function that the integrated circuit is intended to perform; however, the applicant may omit from the copy or from the drawing those parts that concern the method of manufacturing the integrated circuit, on condition that the parts submitted are sufficient to allow the identification of the layout design;
- the date of the first commercial exploitation of the layout design anywhere in the world or a statement that exploitation has not yet begun; and
- particulars establishing the entitlement to protection under Article 4.

Article 4: *'The right to protection of a layout design shall belong to its creator. It may be assigned or transferred by succession. Where several persons have jointly created a layout design, the right shall belong to them jointly.'*

3.6.3 What qualifies for registration?

A layout design is registrable in the following cases:

- Layout designs of integrated circuits may be protected under this Annex if, and to the extent that, they are original within the meaning of Article 3 of Annex IX of the Bangui Agreement, Act of December 14, 2015;
- A registration may be applied for only if the layout design has not yet been commercially exploited or has been commercially exploited for not more than 2 years anywhere in the world.

Article 3:

- A layout design will be deemed original if it is the result of its creator's own intellectual effort and is not commonplace among creators of layout designs and manufacturers of integrated circuits.
- A layout design that consists of a combination of elements and interconnections that are commonplace will be protected only if the combination, taken as a whole, is original within the meaning of paragraph (1).

3.6.4 What cannot be registered?

- Any layout designs whose use would be contrary to the law, public policy or morality is not registrable.
- A layout design that is not original and has been exploited commercially for more than 2 years anywhere in the world.

3.6.5 Where can I file an application?

An application on the prescribed form must be submitted exclusively to the OAPI office, no national nor individual country designation is admitted.

3.6.6 How much does it cost?

OAPI fees

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

OAPI (official) fees

The fee schedule is published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (GNF). Application forms and information on fees are available

through this link: http://oapi.int/index.php/fr/component/k2/item/296-outils-du-deposants

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three OAPI-accredited professionals. A list is available through this link: http://oapi.int/index.php/fr/component/k2/item/295-liste-des-mandataires-agrees-aupres-de-l-oapi

Likely overall registration costs for a layout design

An applicant can expect the cost of registering a layout design to be in the region of the amounts set out in the table below (in GNF), unless objections and other special circumstances that may increase the costs apply.

Type of Fee	Official Fees (Franc CFA)
Application to register a layout design	3 216 682.50
Publication fee	5 218 173.84
Surcharge length of design description 11 to 20	1 715 564
21 to 30 pages	3 860 019
Above 31 pages, 1143709.33 GNF for 10 additional pages	

3.6.7 How long does registration take?

Unless substantive objections are raised or there are unusual delays, an integrated circuit layout design takes 09-12 months to complete registration. This includes an opposition period of 3 months.

3.6.8 What is the duration of protection?

The duration of an integrated circuit layout design registration in OAPI is 10 years.

3.6.9 When are renewal fees paid?

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

3.7. TRADITIONAL KNOWLEDGE AND HANDICRAFTS

For the time being, no law governing traditional knowledge is enacted in Guinea.

3.8. COPYRIGHT AND NEIGHBOURING RIGHTS

A brief presentation of the cultural diversity and artistic works of Guinea: The highlands of Upper Guinea were both the cradle and focus of the expansion of the great Mandinka empires and kingdoms – Ghana, Soso, Mali and, to a lesser extent in Guinea, Songhai. Niani, the first capital of Emperor Soundiata Keïta, founder of the Mandingo Empire, was in the region of the current Mandian prefecture.

The Fulani Theocratic Kingdom, under the cover of the Islamisation of the populations of the region, made Foutah Djallon in the 18th century the centre of a civilizational and cultural area that was original due to its modes of institutional, intellectual and spiritual expression. Its literature in particular enjoys an influence that is recognised today as universal in scope, with its masters including Thierno Mohammad, Samba Mombéya and Tyerno Aliou Boubha Dyan.

In Maritime Guinea and Forest Guinea, States and Kingdoms, strongly structured and organised on community bases, were managed throughout history to safeguard their autonomy and an original cultural identity. The local knowledge, masks, statues and percussion instruments of the Baga, the Kissi and other communities on the coast and in Forest Guinea, have international notoriety and are a source of inspiration for modern artists, African or foreign. The polyphonies and polyrhythms of the music and dances of the populations of these regions, today shared by all of West Africa, enrich international 'world music'. It is this traditional culture that shapes the richness and diversity of the Guinean national culture. It is still alive thanks to the communities that keep it and continue to express themselves through it, despite all kinds of social, political and economic constraints that weigh on this heritage and its transmission.

About Copyright and Neighbouring Rights in Guinea

Guinea has enacted a law on copyright and neighbouring Rights, namely Law No. 00342 / of 12 April 2012, establishing the system of literary and artistic property in the Republic of Guinea.

At the regional level, Annex VII of the Bangui Agreement, Act of December 14, 2015, though not directly applicable at the national level, is referred to in the presence of a conflict of law or in the absence of specific provisions on a copyright matter.

Guinea is also a signatory to the following treaties:

- Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886, as last revised at Paris on 24 July 1971, and/or the Universal Copyright Convention as revised at Paris on 24 July 1971 and amended on 28 September 1979;
- The Rome Convention for the protection of Performers, Producers of Phonograms and Broadcasting Organizations of 26 October 1961;
- The World Intellectual Property Organization Copyright Treaty of 20 December 1996.

3.8.1 Can I register?

Copyright is not a registrable right in Guinea. It exists automatically when any original work is

created in one of the categories that is protected by Law No. 00342 / of 12 April 2012, establishing the system of literary and artistic property in the Republic of Guinea.

3.8.2 What qualifies for protection?

All literary or artistic works irrespective of their mode, worth, genre or purpose of expression are protected under copyright, particularly:

a) Computer programs;
b) Musical composition with or without lyrics;
c) Dramatic, dramatico-musical, choreographic works and pantomimes created for the stage;
d) Audiovisual works;
e) Drawings, paintings, lithographs, etchings or wood engravings and other works of the same kind;
f) All kinds of sculptures, bas-reliefs and mosaics;
g) Architectural works, including the drawings, models and the construction itself;
h) Tapestries and objects created by the arts and applied arts, including sketches or patterns and the works themselves;
i) Maps, as well as graphic and plastic drawings and reproductions of a scientific or technical nature;
j) Photographic works, including work expressed by a process similar to photography.
k) The title of a work is just as protected as the work itself.

Literary work shall include work expressed in words, numbers or other verbal or numerical symbols or insignia, regardless of the nature of the material object used. This implies that all computer programs fall under literary works. A work may be literary and artistic, especially when it is composed of both words and signs other than words.

3.8.3 What cannot be protected?

The 2012 Copyright Law entails that Copyright does not protect:

a) Official texts and their official translation, reports, court judgments and other official instruments and translations;

b) Ideas themselves;

c) Coats of arms, decorations, currency marks and other official insignia.

3.8.4 What are the requirements for legal protection?

The 2012 Copyright Law lays down three positive criteria for the protection of all literary and artistic creations in Guinea. These include the following.

a) The ***work must be in a tangible form*** that is sufficiently stable that allows it to be perceived,

reproduced or otherwise communicated for a period of more than transitory duration either by human sense(s) or with the help of a machine;

b) A ***work may be original*** even if it resembles a previous creation or even if it does not resemble any previous work. We can appreciate originality only when the creation is an expression and where there is a distinctive element between it and any previous creation of the same kind. Thus, there must be an established difference between what is created and any previous work of same kind;

c) The created work must be a literary or artistic work or both literary and artistic work.

3.8.5 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 use for purposes of criticism, review or news reporting;
- educational use;
- copies made to replace or preserve 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.

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

Unpermitted/restricted acts include:

- reproducing the work;
- publishing the work;
- importing the work into Guinea or exporting it from the country, other than for 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.

3.8.7 What is the duration of protection?

The duration of copyright protection (is as follows):

- **literary works:** the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- **performers and recording rights:** 50 years from the end of the calendar year in which the performance took place;
- **an audio-visual work, a collective work, a photograph, or a computer program:** 50 years from the end of the year in which the work was made available to the public with the consent of the owner of the copyright or, failing such an event, 50 years from the making of the work or 50 years from the end of the year in which the work was made;
- **a sound recording:** 50 years from the end of the year in which the recording was first published;
- **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;
- **a work of applied art:** 25 years from the making of the work.

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

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

Links to legislation:

OAPI: http://oapi.int/index.php/fr/ressources/actes-de-l-oapi

Links to institutions:

AfCFTA – Africa Trade House, Ambassadorial Enclave, Liberia Road, Ridge, Accra Ghana: https://au.int/en/cfta

OAPI – African Regional Intellectual Property Organization: http://oapi.int

ECOWAS – Economic Community of West African States: https://ecowas.int/