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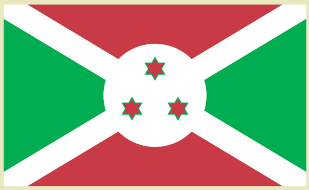
BURUNDI



SECTION 1: COUNTRY OVERVIEW

1.1 GENERAL INFORMATION

Capital:	Bujumbura
Population:	12.2 million (World Bank 2021)
Currency of government (official) fees:	Burundian franc (BIF)
Language for filing IP applications:	French and English
GDP per capita (US$):	236.8 (World Bank 2020)
Human Development Index:	0.4 (World Bank 2020)
Main exports:	Gold, coffee, tea, coated iron and tobacco
Main imports:	Refined petroleum, packaged medicaments, phosphatic fertilisers, raw sugar, vehicles

1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

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

- the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886 as revised;
- the Paris Convention for the Protection of Industrial Property of 20 March 1883, as revised in Stockholm on 14 July 1967 and amended on 28 September 1979;
- the Convention Establishing the World Intellectual Property Organization of 14 July 1967, amended on 28 September 1979;
- the agreement establishing the World Trade Organization (WTO) of 15 April 1994;
- the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of 15 April 1994;
- 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;
- the treaty establishing the Economic Community of Central African States (ECCAS) of 18 December 1984;
- 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 treaty for the Establishment of the East African Community (EAC) of 30 November 1999;
- the treaty establishing the Common Market for Eastern and Southern Africa (COMESA) of 05 November 1993.

Burundi is not a member of the Nice Agreement. However, its trade mark classification system is based on the Nice classification system.

1.3 REGIONAL AGREEMENTS

Burundi 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 Burundian 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.
- **EAC** (East African Community) is a regional intergovernmental organisation of 7 member states: Burundi, DRC, Kenya, Rwanda, South Sudan, Tanzania and Uganda. The regional body has an Intellectual Property Policy that aims to encourage technical innovation, and to promote the industrial and commercial use of technical inventions and innovations to contribute to the Community's social, economic, industrial and technological development.

1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN BURUNDI

The following IP protection is available in Burundi:

1) trade marks: national;

2) patents: national;

3) utility models: national;

4) industrial designs: national;

5) geographical indications: national;

6) layout designs of integrated circuits: national;

7) traditional knowledge and craft objects: national;

8) copyright and neighbouring rights: national.

1.5 IP REGISTRATION ROUTES

IP protection in Burundi can only be secured at the national level.

National

Of the eight types of IP mentioned above, six can be protected directly in Burundi through the Industrial Property Office under the Ministry of Commerce, Transport, Industry and Tourism. More details can be found here: https://www.mctit.gov.bi/.

Copyright administration is handled by the Burundian Office of Copyright and Neighboring Rights Ministry of Youth, Sports and Culture (OBDA).

Regional

There is no regional route for the protection of IP rights in Burundi.

International

There is no international route for the protection of IP rights in Burundi.

Useful information:

Professional representation

Foreign applicants whose principal place of business is outside Burundi must appoint a local agent or representative (this is optional for local applicants). The Burundi IP Office accepts signed and stamped powers of attorney without any need for notarisation or legalisation. However, you should check with your IP service provider in Burundi whether hard copies are necessary or scanned copies sent by email are acceptable.

Trade marks

Burundi 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.

SECTION 2: OVERVIEW OF IP ENFORCEMENT

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

The Department of Industrial Property, which is under the General Directorate of Industry of the Ministry of Trade, Transport, Industry and Tourism, is the sole institution responsible for the registration of IP. There are government bodies such as the Burundi National Police, the Customs Division, the Prosecution and the Judiciary that are entrusted with enforcing IP rights.

Copyrights are administered by the Burundi Copyrights and Related Rights Office, which has been entrusted with some enforcement powers whereby, in some cases, it can sue in lieu of the copyright holders. Besides the enforcement mechanisms available through the criminal justice system, the current IP law also provides for civil remedies, which rests entirely on the rights holders to pursue lawsuits against infringing parties.

Despite the existence of relevant laws and institutions dealing with the enforcement of IP rights, as well as the claims of stakeholders that indicate serious challenges surrounding counterfeiting and piracy, the number of IP right infringement cases brought before these law enforcement agencies is insignificant. This can be the result of a number of factors, including the size of the Burundi market, which some foreign rights holders might consider very small, as well as limited awareness by the rights holders of the processes for enforcing their rights in case of infringement.

The Copyright Act of 2005 provides for the administrative enforcement of copyrights to protect creators' eligible works. This law provides for provisional measures that can be taken by the court to prevent continuous infringements and preserve relevant evidence related to an alleged infringement. In addition, it empowers the prosecution to conduct searches of premises where it is suspected that infringing goods are concealed, and to seize any offending goods according to relevant provisions of the Criminal Procedure code. The law also acknowledges that seizures are applicable in the case of copyright enforcement, as they are organised by the Civil Procedure Code.

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 fines. However, these fines have been criticised for being too low to be a deterrent, in addition to the lack of possibility of imprisonment. A copyright owner is expected to take an active role in protecting their work and taking action against infringers. Any enforcement action should be initiated by the right 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 regulations that the Copyright Act explicitly refers to also provide for enforcement measures at the border with respect to counterfeit and/or pirated goods.

SECTION 3: TYPES OF AVAILABLE IP PROTECTION

3.1 TRADEMARKS

Trade marks can only be registered in Burundi through the national route. Burundi is not a party to any regional or international system.

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 one 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.

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 Burundi needs a professional representative.

3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- an application form containing the name, nationality and address of the applicant; or full name (as on the Certificate of Incorporation) and address of the company;
- payment of the prescribed application fee;
- a list of the goods and/or services, based on the Nice Classification;
- a certified copy of the priority document, if applicable;
- a simply signed and stamped power of attorney if the applicant is represented.

3.1.3 What qualifies for registration?

Any sign capable of being specifically represented graphically that makes it possible to distinguish the products or the product mark, services or service mark of a company from those of other companies. A mark may consist of words (including names of persons, motifs, letters, colours or combinations of colours), figures (by the shape of the goods or their packaging), holograms, sounds, smells or tastes. When slogans are not long enough to be protected by copyright, they can be protected as marks.

3.1.4 What cannot be registered?

A trade mark cannot be registered if it:

- does not make it possible to distinguish the products or services of a firm from those of other firms; the smell, taste or any other material characteristic of a product will not be deemed to distinguish the product if they are the normal result of the product's ordinary composition;
- is contrary to public order or morality. Nevertheless, the nature of the goods or services for which protection is sought may not, in any case, hinder the registration of the mark;
- is likely to mislead the public or business circles, especially as to the geographical origin, nature or characteristics of the goods or services considered;
- reproduces, imitates or contains among its elements coats of arms, flags or other emblems, the name, abbreviation, acronym, an official sign or seal of control and guarantee of a state or intergovernmental organisation established by an international convention, except by authorisation of the competent authority of this state or organisation;
- is identical or similar to such an extent that it leads to confusion with a trade mark or name that is widely known in Burundi for identical or similar goods of another firm; or if it constitutes a translation of this trade mark or name, or is widely known and registered in Burundi for goods or services that are not identical or similar to those for which protection is sought, but the use of this mark for these goods or services indicates a link between said goods or services and the holder of the registered mark, and this use is likely to harm the interests of the holder of the registered mark;
- is identical or similar to a mark belonging to another holder that is already registered, where the date of filing or priority is earlier and for identical or similar goods or services or goods or services that are very close, or if it so closely resembles said mark that there is a risk of deception or confusion;
- the application for registration was filed in bad faith; or the sign, if registered, would be used for purposes which constitute unfair competition.

3.1.5 Where can I file an application?

- Industrial Property Office. More details can be found here: https://www.mctit.gov.bi/;
- No regional or international routes are available for a trade mark registration in Burundi.

3.1.6 How much does it cost?

Government (official) fees

The fee schedule is published in a statutory instrument. Local applicants' fees are in Burundian francs (BIF), while foreign applicants' fees are paid in United States Dollars (USD). The official fees are published in the Joint Order No. 540/750/1582 of September 14, 2012, on the fees of services rendered in respect of industrial property. It can be accessed/requested by contacting the Ministry at https://www.mctit.gov.bi/.

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three accredited professionals. Professionals can be verified by the Burundi Bar Association. More details can be found at http://www.bba.bi/.

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 Fee (Local Applicants) (BIF)	Official Fee (Foreign Applicants) (USD)
Application and registration of a trade mark in up to 3 classes	50 000	200
• Each additional class	20 000	30
Renewal of a trade mark in up to 3 classes	100 000	200
• Each additional class	30 000	30
Late renewal fees per month of delay	20 000	50

3.1.7 How long does registration take?

The trade mark registration process takes 1-3 months from the filing date to complete, assuming that there are no unusual delays.

There is no opposition period.

3.1.8 What is the duration of protection?

10 years from the filing date, renewable.

3.2 PATENTS

Burundi patent registrations

Only national patents can be filed through the Industrial Property Office. More details can be found here: https://www.mctit.gov.bi/.

No regional or international routes are available for Burundi patent registration.

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?

A patent application must contain the following:

- a request, a description, one or more claims and/or one or more drawings, as the case may be, and a summary;
- the patent title;
- the applicant's details including full name, nationality, legal status and physical address or, if it is a company, a copy of 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 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.

A patent must meet the following requirements:

- **Novelty,** which must be absolute novelty in that the invention must be a new characteristic that is not known in the body of existing knowledge in its technical field. It must not be anticipated by prior art.
- **Inventive step,** which means that the claimed invention, considered as a whole, would not have been obvious to a person skilled in the art at the date of filing or, as the case may be, the date of priority of the claimed invention.
- **Susceptible of industrial applicability** in that its subject matter can be produced or used in any kind of industry. The term 'industry' will be defined as any human economic activity leading to the production of goods and services; it covers, in particular, crafts, agriculture, fisheries and services.

3.2.4 What cannot be registered?

The following inventions cannot be patented:

- discoveries, scientific theories and mathematical methods;
- plans, principles or methods in the field of economic activities, in the performance of purely intellectual activities or in games;
- methods of surgical or therapeutic treatment of the human or animal body and diagnostic methods. This does not include the products used for the implementation of one of these methods;
- natural substances, even if they had been purified, synthesised or isolated in another manner. This does not include the processes making it possible to isolate these natural substances from their original environment;
- known substances for which a new use has been discovered;
- plants and animals, including parts thereof, other than microorganisms, and essentially biological processes for the breeding of plants and animals and parts thereof, other than non-biological and microbiological processes;
- animal breeds and plant varieties;
- inventions whose exploitation is contrary to public order or morality, with an understanding that the exploitation of said inventions is not contrary to public order or morality just because said exploitation is prohibited by legislation.

3.2.5 Where can I file an application?

Industrial Property Office. More details can be found here: https://www.mctit.gov.bi/

3.2.6 How much does it cost?

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. Local applicants' fees are in Burundian francs (BIF), while foreign applicants' fees are paid in United States Dollars (USD). The official fees are published in the Joint Order No. 540/750/1582 of September 14, 2012, on the fees of services rendered in respect of industrial property. It can be accessed/requested by contacting the Ministry at https://www.mctit.gov.bi/.

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three accredited professionals. Professionals can be verified by the Burundi Bar Association. More details can be found at http://www.bba.bi/.

Likely overall registration costs for a Burundi 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 Fee (Local Applicants) (BIF)	Official Fee (Foreign Applicants) (USD)
Application, publication and grant fees	70 000	250
Priority fees, if claimed	30 000	100
Registration/grant fees	30 000	100

3.2.7 How long does registration take?

National patent applications are not examined substantively in Burundi. The registration process takes between 18-24 months. This includes a 60day 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.

If the patent is granted more than 4 years after the date of filing, the term of protection granted by this patent will be automatically extended by the entire period that has elapsed as from the date of filing.

3.2.9 When are renewal fees paid?

Renewal fees are paid in four 5-year periods from the first anniversary of the filing date up to the 20 th 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:

Annuity Year	Official Fee (Local Applicants) (BIF)	Official Fee (Foreign Applicants) (USD)
1 st 5year period	100 000	1 350
2 nd 5year period	200 000	1 350
3 rd 5year period	300 000	1 500
4 th 5year period	500 000	2 000
Surcharge for late payment of annual fees for each period (per month of delay)	30 000	100

3.3 UTILITY MODELS

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.

Burundi utility model registrations

Only national utility models can be filed through the Industrial Property Office. More details can be found here: https://www.mctit.gov.bi/.

No regional or international routes are available for Burundi utility model registration.

3.3.1 Who can register?

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

3.3.2 What are the registration requirements?

A utility model application must contain the following:

- a request, a description, one or more claims and/or one or more drawings, as the case may be, and an abstract;
- the utility model title;
- the applicant's details, including full name, nationality, legal status and physical address or, if it is a company, a copy of 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 prescribed application fees.

3.3.3. What qualifies for registration?

Under Article 103 of the Burundi Industrial Property Law, an invention will be suitable for registration as a utility model if it is new, involves a sufficiently inventive step, and is industrially applicable.

- **New:** the invention must be a new characteristic and must not be anticipated by the prior art.
- **Sufficiently inventive step:** if, for a person skilled in the art and average skill and know-how, given the differences and similarities between the utility model claimed and the prior art made public, the utility model cannot be easily deduced from the prior art of interest for an average person skilled in the art.
- **Industrial applicability:** if its subject matter can be entirely or partly manufactured or used in any kind of industry.

3.3.4 What cannot be registered?

The following cannot be registered as utility models in Burundi:

- discoveries, scientific theories and mathematical methods;
- plans, principles or methods in the field of economic activities, in the exercise of purely intellectual activities, or in games;
- methods of surgical or therapeutic treatment for the human or animal body, as well as diagnostic methods applied to the human or animal body; this will not apply to products used for the implementation of one of these methods;

- natural substances, even if they are purified, synthesised or isolated in another manner; this will not apply to processes used to isolate these natural substances from their original environment;
- known substances for which a new use has been discovered;
- plants and animals, including parts thereof, other than microorganisms, and essentially biological processes for breeding plants or animals or parts thereof, other than non-biological and microbiological processes;
- animal breeds and plant varieties;
- inventions whose exploitation is contrary to public order or morality, with an understanding that the exploitation of said invention is not contrary to public order or morality just because said exploitation is prohibited by legislation.

3.3.5 Where can I file an application?

Industrial Property Office. More details can be found here: https://www.mctit.gov.bi/.

3.3.6 How much does it cost?

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. Local applicants' fees are in Burundian francs (BIF), while foreign applicants' fees are paid in United States Dollars (USD). The official fees are published in the Joint Order No. 540/750/1582 of September 14, 2012, on the fees of services rendered in respect of industrial property. It can be accessed/requested by contacting the Ministry at https://www.mctit.gov.bi/.

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three accredited professionals. Professionals can be verified by the Burundi Bar Association. More details can be found at http://www.bba.bi/.

Likely overall registration costs for a utility model

Unless objections and/or other special circumstances that increase costs apply, an applicant can expect to pay the following official fees to register a utility model in Burundi:

Type of Fee	Official Fee (Local Applicants) (BIF)	Official Fee (Foreign Applicants) (USD)
Application and publication	60 000	100
Priority, if claimed	20 000	50
Registration/grant fees	30 000	100

3.3.7 How long does registration take?

National utility model applications are examined as to formality only. No substantive examination is conducted. The average time frame is 3-6 months. There is no opposition period for utility models.

3.3.8 What is the duration of protection?

In Burundi, the duration of utility models is 10 years from the filing date. It is not renewable.

In the event that the utility model is granted more than 4 years after the date of filing, the term of protection conferred will automatically be extended by the entire period that has elapsed since the date of filing.

3.3.9 When are renewal fees paid?

Renewal fees must be paid each year, from the first year following the date on which the application for the utility model certificate is filed. Failure to pay annuities will result in loss of rights.

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

Government (official) fees

The following government (official) fees are currently applicable:

Annuity Year	Official Fee (Local Applicants) (BIF)	Official Fee (Foreign Applicants) (USD)
1st 2year period	50 000	80
2nd 2year period	100 000	160
3rd 2year period	150 000	240
4th 2year period	200 000	320
Surcharge for late payment of annual fees for each period (per month of delay)	20 000	50

3.4. INDUSTRIAL DESIGNS

In Burundi, designs are registered without being classified as either aesthetic or functional designs.

Burundi industrial design registrations

Only national industrial designs can be registered in Burundi.

International

No regional or international routes are available for Burundi industrial designs.

Examination and novelty of designs for Burundi

Burundi does not carry out a substantive examination of design applications. Applications are examined as to compliance with formal requirements only.

3.4.1 Who can register?

A creator or successor in title of an industrial design can apply to register a design in Burundi.

Two or more persons or companies can jointly own and apply for the registration of an industrial design.

3.4.2 What are the registration requirements?

A design application must contain the following:

- a request, drawings, photographs or other appropriate graphic representations of the subject matter incorporating the industrial design and an indication of the type of products for which the industrial design is to be used. In the case of a two- dimensional drawing, the application for registration may be accompanied by a copy of the subject matter incorporating the design;
- the applicant's full details, including full name, nationality, legal status, physical address and full company details if the applicant is a company;
- Deed of Assignment of the design if the creator is not the applicant, with a certified English translation if the document is not in English;
- the prescribed application fees.

3.4.3 What qualifies for registration?

An industrial design is registrable if it is new. It is considered new if it has not been disclosed in any part of the world, by publication in a tangible form, by use or in any other form prior to the date of filing or, as the case may be, the date of priority of the application for registration.

Multiple design applications are possible in Burundi, 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:

- industrial designs and references that are contrary to public order or morality.

3.4.5 Where can I file an application?

Industrial Property Office. More details can be found here: https://www.mctit.gov.bi/.

3.4.6 How much does it cost?

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. Local applicants' fees are in Burundian francs (BIF), while foreign applicants' fees are paid in United States Dollars (USD). The official fees are published in the Joint Order No. 540/750/1582 of September 14, 2012, on the fees of services rendered in respect of industrial property. It can be accessed/requested by contacting the Ministry at https://www.mctit.gov.bi/.

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three accredited professionals. Professionals can be verified by the Burundi Bar Association. More details can be found at http://www.bba.bi/.

Likely overall registration costs for an industrial design

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

Type of Fee	Official Fee (Local Applicants) (BIF)	Official Fee (Foreign Applicants) (USD)
Application and publication	50 000	150
Registration/grant fees	30 000	100

3.4.7 How long does registration take?

Industrial design applications usually take 3-6 months to complete registration. There is no opposition period for industrial design registration in Burundi.

3.4.8 What is the duration of protection?

The term of validity of the registration of an industrial design will be 5 years from the date on which the application for registration is filed.

At the holder's request, in accordance with the regulations and subject to payment of the prescribed fee, registration may be renewed for two consecutive periods of 5 years each.

3.4.9 When are renewal fees paid?

Renewal fees must be paid within 6 months from the due date.

A 6-month grace period will be granted for payment of the renewal fee after the due date, subject to payment of the surcharge for late payment.

3.5. GEOGRAPHICAL INDICATIONS (GIs)

About GIs in Burundi

According to Burundian law, the geographical indication is an indication used to identify a product as being from the territory of a country, region or locality of this territory, when a quality, reputation or other given characteristic of the product can be essentially attributed to this geographical origin. GIs are registrable in Burundi under Part III of the Law No. 1/13 of July 28, 2009, Relating to Industrial Property.
Currently, there is no regional or international registration system through which GIs can be registered for Burundi.

3.5.1 Who can register?

The following can apply for the registration of a GI:

- natural persons or legal entities, as well as groups of said persons who are engaged in production in the geographical area indicated for the goods specified in the application;
- any competent authority.

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 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/.

3.5.3 What are the registration requirements?

An application for the registration of a GI must include:

- the name, address and nationality of the applicant, natural person or legal entity, as well as the capacity in which the applicant is seeking registration;
- the geographical indication for which registration is sought;
- the geographical area to which the geographical indication applies;
- the goods for which the geographical indication applies;
- the quality, reputation or other characteristic of the goods for which the geographical indication is used;
- a signed power of attorney, if the applicant is represented; notarisation is not required;
- the prescribed government (official) fees.

3.5.4 What qualifies for registration?

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

3.5.5 What cannot be registered?

The following will not be protected as geographical indications:

- indications that do not fit the definition given in Article 2;
- indications that are contrary to public order or morality;
- indications that are not protected, are no longer protected in their country of origin, or have fallen into disuse in this country;
- indications for goods that are identical to the term commonly used in current language as the common name for these goods in Burundi.

3.5.6 Where can I file an application?

Industrial Property Office. More details can be found here: https://www.mctit.gov.bi/.

3.5.7 How much does it cost?

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. Local applicants' fees are in Burundian francs (BIF), while foreign applicants' fees are paid in United States Dollars (USD). The official fees are published in the Joint Order No. 540/750/1582 of September 14, 2012, on the fees of services rendered in respect of industrial property. It can be accessed/requested by contacting the Ministry at https://www.mctit.gov.bi/.

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three accredited professionals. Professionals can be verified by the Burundi Bar Association. More details can be found at http://www.bba.bi/.

Likely overall registration costs for a geographical indication

An applicant can expect the cost of registering a GI 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 Fee (Local Applicants) (BIF)	Official Fee (Foreign Applicants) (USD)
Application and registration fee	100 000	300

3.5.8 How long does registration take?

Unless substantive objections are raised or there are unusual delays, a GI application takes on average 6-9 months to complete registration. This includes an opposition period of 3 months.

3.5.9 What is the duration of protection?

The term of a GI registration in Burundi is 10 years. It is not renewable.

3.6. LAYOUT DESIGNS OR INTEGRATED CIRCUITS

About layout designs of integrated circuits in Burundi

Layout designs of integrated circuits ('layout designs') are registrable in Burundi under Part IV of the Law No. 1/13 of July 28, 2009, relating to Industrial Property.

Currently, there is no regional or international registration system through which layout designs can be registered in Burundi.

3.6.1 Who can register?

An application for registration can be made by the creator or successor in title of the layout design.

3.6.2 What are the registration requirements?

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

- a request for the layout design to be entered in the register of layout designs as well as a brief and accurate description of the layout design;
- the applicant's name, address and nationality and, if it is different from their address, their usual place of residence;
- the power of attorney containing the designation of the applicant's agent, as the case may be;
- a copy or drawing of the layout design as well as information defining the electronic function that the integrated circuit is designed to perform; however, the request does not necessarily have to contain the parts of the copy or drawing that refer to the way in which the integrated circuit is manufactured, provided that the parts presented suffice for the identification of the layout design;

- the date of the first commercial exploitation of the layout design anywhere in the world or a statement to the effect that said exploitation has not yet begun;
- a Deed of Assignment if the applicant is not the creator of the layout design;
- the prescribed application fees.

3.6.3 What qualifies for registration?

A layout design is registrable if:

- it is original. A layout design will be considered original if it is the fruit of the intellectual effort of its creator and if, at the time of its creation, it is not common for creators of layout designs and manufacturers of integrated circuits;
- it has not yet been commercially exploited or it has been commercially exploited for a maximum of 2 years anywhere in the world.

A layout design consisting of a combination of elements and interconnections that are commonplace is only registrable if the combination, taken as a whole, is considered original.

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 prior to the application for its registration is also not registrable.

3.6.5 Where can I file an application?

Industrial Property Office. More details can be found here: https://www.mctit.gov.bi/.

3.6.6 How much does it cost?

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. Local applicants' fees are in Burundian francs (BIF), while foreign applicants' fees are paid in United States Dollars (USD). The official fees

are published in the Joint Order No. 540/750/1582 of September 14, 2012, on the fees of services rendered in respect of industrial property. It can be accessed/requested by contacting the Ministry at https://www.mctit.gov.bi/.

Professional fees

Professional fees vary, so it is advisable to obtain comparative quotes of fees from at least three accredited professionals. Professionals can be verified by the Burundi Bar Association. More details can be found at http://www.bba.bi/.

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 Fee (Local Applicants) (BIF)	Official Fee (Foreign Applicants) (USD)
Application and publication	50 000	250
Registration/grant fees	30 000	100

3.6.7 How long does registration take?

Unless substantive objections are raised or there are unusual delays, an integrated circuit layout design takes 3-6 months to complete registration. There is no opposition period for registration of integrated circuit layout designs.

3.6.8 What is the duration of protection?

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

3.6.9 When are renewal fees paid?

Renewal fees are paid for 2 periods of five years each.

3.7. TRADITIONAL KNOWLEDGE AND HANDICRAFTS

The Burundian law provides for industrial property rights for all aspects of the traditional knowledge and handicrafts of the local indigenous communities of Burundi through a system of registration.

According to the law, effective protection and application of the industrial property rights to traditional knowledge must help to preserve the traditions and livelihood of the traditional communities, ensure respect for their cultural identity and promote the creation, development and commercialisation of traditional knowledge.

About traditional knowledge and handicrafts in Burundi

Traditional knowledge and handicrafts are registrable in Burundi under Part V of the Law No. 1/13 of July 28, 2009, relating to Industrial Property.

3.7.1 Who can register?

Applicants for the registration of traditional knowledge are local communities acting through a duly appointed community representative.

3.7.2 What qualifies for registration?

Traditional Knowledge

Burundian law defines traditional knowledge as the following elements:

- inventions or other technical ideas, uses, designs, equipment, tools and instruments that can be used in the production of products and services, including the processes, equipment and products used to obtain them, as well as plants domesticated or grown, or animal species and microorganisms;
- knowledge of the properties of biological resources as well as combinations of these resources;
- methods, processes and products relating to the fields of medicine, agriculture, food and textiles, as well as the other products and services with a practical or spiritual function;
- names, symbols, emblems and other distinctive signs of a religious, spiritual, cultural or economic nature that are used by local indigenous communities in their native language or in any other language;
- designs and objects of a functional or aesthetic nature, including clothing, porcelain and other craft goods that may or may not be related to biological resources and that constitute indissociable elements of the culture, spirituality and traditions of the local indigenous communities.

Handicrafts

Designs and objects with an aesthetic or functional configuration, including clothing, pottery and all other crafts that constitute indissociable elements of the culture, spirituality and traditions of

local communities, may be registered as handicrafts, even if they have been commercialised prior to their registration, provided they retain the essential link with the culture and spirituality of the local community in question.

3.7.3 What are the registration requirements?

Traditional knowledge that has not been disclosed to the public in any way or, even if it has been disclosed, has not been commercially or industrially exploited in Burundi, may be registered under the following conditions:

- it must be described and registered, with a reference to the community or communities that created it, in the register of traditional knowledge established and safeguarded by the Industrial Property Director;
- the description of the traditional knowledge must be made in such a way that it is reasonably possible for a third party to reproduce or use the traditional knowledge and obtain results identical or similar to those obtained by the communities that hold this traditional knowledge.

Handicrafts

Applications to register crafts must contain:

- a brief description of their use;
- the production methods and the choice, preparation and use of raw materials;
- the general criteria that apply with regard to the aesthetic or functional characteristics of the craft, with a view to characterising the general style and overall impression of each series or type of product.

Applicants must also provide a general description of the history and development of the crafts in question.

3.7.4 What cannot be registered?

The following are excluded from the protection in Burundi:

- traditional practices of commercial or industrial exploitation of traditional knowledge that forms part of the traditions and culture of the local communities;
- non-traditional practices of commercial or industrial exploitation of traditional knowledge prior to the date of the application for registration;
- commercial acts that have already been performed.

Handicrafts cannot be registered if they are contrary to law, public order or morality.

3.7.5 Where can I file an application?

Traditional knowledge and handicrafts are registered at the Industrial Property Office. More details can be found here: https://www.mctit.gov.bi/.

3.7.6 How much does it cost?

The procedure for registering traditional knowledge and receiving the corresponding certificate isl not subject to the payment of any fee.

3.7.7 How long does registration take?

Unless there are unusual delays, an application for the registration of traditional knowledge or a handicraft takes 3-6 months from the filing date of the application.

3.7.8 What is the duration of protection?

Protection of registered traditional knowledge and handicrafts will only expire when said knowledge or crafts have lost their value, for example:

- they are no longer used as cultural identifiers;
- they have been deliberately and expressly abandoned;
- persistent failure to use or continued abuse by third parties, of which the local community that the knowledge or crafts belong to is aware.

Effects of traditional knowledge and handicrafts on other IP titles

All industrial property titles, in particular patents, marks, industrial designs or plant variety certificates that have been granted in violation of the rights of registered traditional knowledge and handicrafts, will not be binding for third parties if the local community that this traditional knowledge and handicrafts belong to has not given its consent.

3.8. COPYRIGHT AND NEIGHBOURING RIGHTS

About copyright and neighbouring rights in Burundi

Burundi has a dedicated law for the protection of copyright and neighbouring rights, namely Law No. 1/021 of December 30, 2005, on the Protection of Copyright and Related Rights in Burundi. Burundi is also a signatory to the Berne Convention of 1886 and the WIPO Copyright Treaty of 1996.

3.8.1 Can I register?

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

3.8.2 What qualifies for protection?

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

- literary and artistic works;
    - books, pamphlets and other writings, including computer programs;
    - conferences, speeches, sermons and other similar works;
    - dramatic and dramatico
    - musical works;
    - musical works, with or without a written form and with or without accompanying words;
    - choreographic works and pantomimes;
    - audio-visual works;
    - works of drawing, painting, architecture, sculpture, engraving, lithography and tapestry;
    - photographic works, including works made by means similar to the photographic process;
    - works of applied art, whether handicraft works or works produced by industrial processes;
    - illustrations, maps, plans, sketches and three-dimensional works relating to geography, topography, architecture and science
- translations, adaptations, musical arrangements and other transformations of literary or artistic works;
- collections of works and data in machine-readable or other form which, due to the selection, organisation or arrangement of their contents, are original;
- original works derived from folklore.

3.8.3 What cannot be protected?

Copyright protection will not apply to the following:

- acts, legal decisions and decisions of administrative bodies and the official translations of these texts, or daily news published, broadcast or communicated in public;
- ideas, procedures, systems, methods of operation, concepts, principles, discoveries or mere data, even if expressed, described, explained, illustrated or embodied in work;
- any work that is contrary to law, public order or morality.

3.8.4 What are the requirements for legal protection?

The original work must be in one of the categories mentioned in section **3.8.2**.

3.8.5 What are examples of acts permitted in relation to copyrighted works?

Permitted acts that do not infringe copyright include:

- the reproduction, translation, adaptation, arrangement or other transformation of the work exclusively for the user's own personal or private use;
- the inclusion of quotations from the work in other work, including quotations from newspaper articles and periodicals in the form of press summaries;
- the use of the work by way of illustration in publications, broadcasts or sound or visual recordings for teaching;
- reporting on a current event by means of photography, cinematography or communication to the public;
- 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 incidental to the essential matters represented;
- the reproduction of works of architecture through photography, cinematography, television or any other similar process, in addition to the publication of corresponding photographs in the press, periodicals and textbooks;
- the reproduction by a photographic or similar process by public libraries, non-commercial documentation centres, scientific institutions and educational establishments;

- the reproduction in the press or the communication to the public of:
  - any political speech or any speech delivered during legal proceedings;
  - any lecture, address, sermon or other work of the same nature delivered in public.

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

Unpermitted/restricted acts include:

- reproduction of the work in any physical format;
- distribution of copies of the work to the public by sale or any other transfer of property, or by rental;
- importation of copies of the work;
- communication of the work to the public by wire or any other means;
- performance of the work in public;
- translating the work or adapting, arranging or transforming it in any other way.

3.8.7 What is the duration of protection?

Copyright will last for the lifetime of the author and for 50 calendar years beginning from the end of the year of his death.

In the case of works of joint authorship, copyright will be protected during the lifetime of the last surviving joint author and for 50 years after his death.

The economic rights in a work of applied art will be protected for a period of 25 years beginning from the creation of the work.

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

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

Links to legislation:

WIPOLex: https://www.wipo.int/wipolex/en/members/profile/BI

Links to institutions:

AfCFTA (African Continental Free Trade Area): https://au-afcfta.org/

COMESA (Common Market for Eastern and Southern Africa): https://www.comesa.int/.

EAC (East African Community): https://www.eac.int/