



European  
Commission

**AFRICA**  
**IP SME HELPDESK**



**IP Factsheet**  
**DEMOCRATIC REPUBLIC OF**  
**THE CONGO**





## SECTION 1: COUNTRY OVERVIEW

### 1.1 GENERAL INFORMATION

<b>Capital:</b>	Kinshasa
<b>Population:</b>	105,789,731 (2023)
<b>Currency of government (official) fees:</b>	Congolese franc (CDF)
<b>Language for filing IP applications:</b>	French, English
<b>GDP per capita (USD):</b>	649.1(World Bank, 2023)
<b>Human Development Index:</b>	0.6 (World Bank, 2023)
<b>Main exports:</b>	Refined copper, cobalt oxides and hydroxides, cobalt, raw copper and copper ore, rough wood, and Niobium
<b>Main imports:</b>	Documents of title and unused stamps, packaged medicaments, sulphur, refined petroleum and poultry meat, machinery and transport equipment, foods.

### 1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

The Democratic Republic of the Congo (DRC) is a contracting state to the following international legal instruments:

- Abuja Treaty Establishing the African Economic Community (AEC) of 2 June 1991;
- Agreement establishing the World Trade Organization (WTO) of 15 April 1994;
- WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of 15 April 1994;





- Berne Convention for the Protection of Literary and Artistic Works
- Paris Convention for the Protection of Industrial Property of 20 March 1883;
- Convention Establishing the World Intellectual Property Organization (WIPO) of 14 June 1967;
- Abuja Treaty Establishing the Economic Community of Central African States (ECCAS) of 17 October 1983;
- Treaty establishing the Common Market for Eastern and Southern Africa (COMESA) of 5 November 1993;
- Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms of 28 October 1971;
- UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16 November 1972;
- UN Convention on Biological Diversity of 5 June 1992;
- UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 17 October 2003;
- UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 20 October 2005;
- UN Convention on Biological Diversity of 5 June 1992;
- 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.
- [Singapore Treaty on the Law of Trademarks](#) of March 27, 2006
- Cartagena Protocol on Biosafety to the Convention on Biological Diversity 29 January 2000;
- The [Paris Agreement](#) of 12<sup>th</sup> December 2015;
- [Paris Convention for the Protection of Industrial Property](#) 20 March 1883;

### 1.3 REGIONAL AGREEMENTS

The Democratic Republic of the Congo is a member of the following regional agreements:





- **AfCFTA** (African Continental Free Trade Area). The AfCFTA Protocol on Intellectual Property Rights (IPRs) was adopted by the AU Assembly during its 36th Ordinary Session held from 18 to 19 February 2023 in Addis Ababa, Ethiopia. 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 DRC 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. They are Burundi, Comoros, the DRC, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and Zimbabwe.
- **ECCAS** (Economic Community of Central African States). ECCAS has no regional IP agreements, protocols or registration systems in place. It is composed of 11 states. They are Angola, Burundi, Cameroon, Central African Republic, Chad, the DRC, Equatorial Guinea, Gabon, Republic of Congo, Sao Tome & Principe and Rwanda.

#### 1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN THE DRC

The following IP protection is available in the Democratic Republic of the Congo:

- 1) trade marks: national;
- 2) patents: national;
- 3) industrial designs: national;
- 4) geographical indications: national;
- 5) copyright and neighbouring rights: national.

All the above IP protection are governed nationally by [Law No. 82-001 on Industrial Property](#) of 1982 and Ordinance-Law No. 86-033 on the Protection of Copyright and Neighboring Rights 1986.

#### 1.5 IP REGISTRATION ROUTES

IP protection in the Democratic Republic of the Congo can be secured at national level.

##### National





Besides copyright, all the IP titles mentioned above can be protected directly in the DRC through the Directorate of Industrial Property under the Ministry of Industry and SMEs. The website details are not publicly available.

Copyright is handled by the General Secretariat for Culture and the Arts, Ministry of Culture and Arts. The website details are not publicly available.

### **Regional**

The Democratic Republic of the Congo is not a contracting party to any regional IP registrations system in Africa.

### **International**

There is no international route for protection of IP titles in the DRC.

### **Useful information:**

#### **Professional representation**

Foreign applicants whose principal place of business is outside the Democratic Republic of the Congo must appoint a local agent. (For local applicants this is optional). The Directorate of Industrial Property accepts signed powers of attorney without any need for legalisation or notarisation. However, you should check with your IP service provider in the Democratic Republic of the Congo whether hard copies are necessary or scanned copies sent by email are acceptable. Mostly Scanned copies are sufficient. More information about practising agents can be found on the DRC Bar Association website [here](#).

## **SECTION 2: OVERVIEW OF IP ENFORCEMENT**

The DRC is a signatory of the WTO's TRIPS Agreement; however, its laws are not substantially TRIPS-compliant in terms of providing a legal framework for the protection and enforcement of IP rights in the country.

The Directorate of National Industrial Property is mandated to administer IP laws and protect industrial property titles while the General Secretariat for Culture and the Arts under the Ministry of Culture and Arts is mandated to administer the copyright law and protect copyright works. Both institutions cooperate with competent judicial authorities to enforce compliance and bring IP infringers to justice. The legal framework for IP protection in the Democratic Republic of the Congo has not been updated in a long time, more work is needed to align it with international standards.







The law provides several tools to protect IP against infringement, in particular, infringement action or the opposition, which makes it possible to defeat IP violations. The protection of the registered trade mark is valid for 10 years and a renewable period of 10 years. The patent is valid for a limited period of 20 years except for a patent for medicine, which has a term of 15 years from the filing date. Registering a design or model offers a five-year protection renewable once for another 5 years.

Despite the Directorate of Industrial Property and State efforts to curb IP violations, rights holders must play a significant role in policing the use of their IP in the Democratic Republic of the Congo. They must constantly check that the industrial and commercial markets in which they sell their goods or services take appropriate action against the infringement of their IP rights by competitors, retailers or street vendors. This can be best done with the assistance of resident IP lawyers and agents. The IP laws of the DRC entitle rights holders to take civil action against infringers to recover their lost revenue and/or to have the infringing products destroyed. Furthermore, there needs to be a stronger legislative framework to enhance enforcement to combat with IPR theft.

Right holders are expected to 'police' their work and take action against infringers of their rights. That means that the rights holders 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. Ultimately, there should be adequate awareness of IP rights among consumers and businesses.

## SECTION 3: TYPES OF AVAILABLE IP PROTECTION

### 3.1 TRADE MARKS

Trade marks are governed by Law No 82-001 of January 7, 1982 on Industrial Property. The Democratic Republic of the Congo uses a multi-class filing system.

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.

Only national trade marks can be registered in the DRC as explained below. The DRC 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 mark without authorisation.
- Over time, a well-maintained trade mark can build the owner's brand and become an asset to their company. This can enable them to expand their business by licensing it to others, franchising or obtaining finance.

Registering a trademark not only strengthens brand credibility but also sends a clear message to consumers that the brand is established and dedicated to safeguarding its identity. This can foster increased consumer confidence and trust in the products or services offered.

### 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 the Democratic Republic of the Congo needs a professional representative (Agents).

### 3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- a simply signed power of attorney in French and English if the applicant is represented; notarisation is not required; A separate set of Power of Attorney is required for each application.
- a list of the goods and/or services, based on the Nice Classification;
- name, nationality and address of the applicant, or full name (as on the Certificate of Incorporation) and address of the company;
- a certified copy of the priority document, if applicable; along with a verified French translation;
- the prescribed application fees.

### 3.1.3 What qualifies for registration?

Within the meaning of the law, any distinctive mark which makes it possible to recognise or identify the goods or services of a company. Any sign which has not yet





been registered as a mark for a product or service will be considered to be new with regards to other signs registered for the same product or service.

The following are suitable for registration as a mark: names, denominations, letters, figures or combinations of figures and letters, abbreviations, slogans, emblems, borders, combinations or arrangements of colours, drawings, reliefs and mottos.

### 3.1.4 What cannot be registered?

The following may not be registered:

- signs contrary to public order or morality;
- signs which reproduce or imitate coats of arms, flags and other emblems of the state, crosses, signs and official hallmarks of control and guarantee as well as any imitation of heraldic devices;
- signs likely to mislead the public;
- signs which consist exclusively of terms indicating the essential quality of a product or its composition;
- signs which consist of ordinary, common descriptions in everyday use for products, objects or services;
- signs which consist of certain expressions which, without commonly and ordinarily describing the product itself, faithfully mirror the qualities or purpose; the same shall hold true, on the one hand, for banal laudatory expressions such as Extra Royal and Super; and on the other hand, for certain traditional emblems and packaging.

### 3.1.5 Where can I file an application?

The Directorate of Industrial Property under the Ministry of Industry and SMEs. The website of the Ministry of Culture and Arts in the Democratic Republic of the Congo is not available or not easily accessible.

### 3.1.6 How much does it cost?

#### Government (official) fees

The fees are published in a statutory instrument. Both local and foreign applicants may pay using the local currency (CDF).







**Please note that all official fees are based on information provided by local practitioners in the DRC. There is no publicly available information on the DRC government website.**

### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three Directorate of Industrial Property-accredited professionals. More information about practising agents can be found on the DRC Bar Association website [here: https://ona-rdc.org/](https://ona-rdc.org/).

### 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 USD), unless objections and other special circumstances that may increase the costs apply.

Description of Process/ Service	Official Fees Inc. Tax (USD)
Filing and registration fees (up to three classes)	285
Priority claim fees	220
Renewal fees (up to three classes)	450
Late renewal fees	165

#### 3.1.7 How long does registration take?

The trade mark registration process takes 8-12 months from the filing date to complete, assuming that there are no unusual delays. Trade marks are published after registration and there is no provision for filing an opposition to the registration of a trade mark.

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

- 10 years from the filing date, renewable for the same periods.
- Trademark Renewal must be applied for during the last year of the period. As provided in Article 137 of the Industrial Property of 1982.
- Trademark will become vulnerable to cancellation actions based on lack of use, if it





goes unused for more than Three years (3) after registration of the trademark. This is provided for in Article 138 of the Industrial Property of 1982.

### 3.2 PATENTS

Patents are governed by Law No 82-001 of January 7, 1982 on Industrial Property. Article 5 of the Industrial Property Law No. 82001 provides for three types of patents: invention patents, import patents and improvement patents:

- **invention patents** cover inventions which have not yet been patented;
- **import patents** cover inventions which have already been patented by the holder in a foreign country;
- **improvement patents** cover improvements to previously patented inventions.

*For the purposes of this guide, we will focus on invention patents.*

#### DRC patent registrations

National patents can be registered in the DRC with the Directorate of Industrial Property under the Ministry of Industry and SMEs. The website of the Ministry of Industry and SMEs is not available or not easily accessible.

#### 3.2.1 Who can register a patent?

Any inventor or successor in title of an invention can apply to register a patent.

#### 3.2.2 What are the registration requirements?

A patent application must contain the following:

- The name or trade name and address of the holder, the author and, if needed, the agent.
- A clear and complete description of the invention. The description must be illustrated, where appropriate, to allow persons skilled in the art to understand and make the invention.
- The subject matter of the invention.
- The claim(s) defining the scope protection requested. These claims may not go beyond the content of the description.
- Information on titles granted abroad, if any.





- The International Patent Classification.
- Proof of payment of the fees due at the time of filing the application or claiming priority.

### 3.2.3 What qualifies for registration?

Any new invention resulting from an inventive activity and that is capable of at least one industrial application.

An invention must meet the following requirements:

- **Novelty** – an invention is considered new if it is not included in the prior art. Prior art comprises everything made available to the public prior to the date of filing or the date of priority of the patent application, by means of a written or oral description, by use or by any other means.
- **Inventive step** – it must be deemed to stem from an inventive activity that, in the view of an expert, is not obvious from the prior art, either in the means, application, combination of means or product that is the subject of, or in the result which it provides.
- **Industrial applicability** – it must be capable of being manufactured or used in any kind of industry.
- An invention concerning a drug can only be patented if its subject matter is a product, substance or composition that has been presented for the first time as constituting a drug.

### 3.2.4 What cannot be registered?

The following cannot be patented:

- theoretical or purely scientific principles and conceptions;
- creations of a purely ornamental nature;
- financial or accounting methods, game rules and all other systems of an abstract nature, in particular programs or series of instructions for the sequence of operations of a calculating machine;
- inventions contrary to public order, state security or morality.

### 3.2.5 Where can I file an application?

The Directorate of Industrial Property under the Ministry of Industry and SMEs. The





website of the Ministry of Industry and SMEs is not available or not easily accessible.

### 3.2.6 How much does it cost?

#### National patents

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

#### Government (official) fees

The fees are published in a statutory instrument. Both local and foreign applicants may pay using the local currency (CDF).

***Please note that all official fees are based on information provided by local practitioners in the DRC. There is no publicly available information on the DRC government website.***

#### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three Directorate of Industrial Property-accredited professionals. More information about practising agents can be found on the DRC Bar Association website: <https://ona-rdc.org/>.

#### Likely overall registration costs for a 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 USD), unless objections and other special circumstances that may increase the costs apply.

Type of fee	Official fees inc. tax (USD)
Preliminary patent search	55
Application fees	330
Priority fees	220

### 3.2.7 How long does registration take?

Patent applications are only formally examined in the Democratic Republic of the Congo, there is no substantive examination. The registration process takes up to 12 months to complete.





### 3.2.8 What is the duration of protection?

Article 36 of the Industrial Property Law No. 82001 states 20 years for invention patents and 15 years for invention patents concerning drugs.

### 3.2.9 When are renewal fees paid?

Renewal fees are paid from the second anniversary of the filing date up to the 20th year. Latepayment 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 fees inc. tax (USD)
2nd to 5th, per year	110
6th to 10th, per year	220
11th to 15th, per year	440
16th to 20th, per year	880

## 3.3 UTILITY MODELS

There are no provisions for the registration and protection of utility models in the Democratic Republic of the Congo.

## 3.4 INDUSTRIAL DESIGNS

Industrial designs are protected under Law No 82-001 of January 7, 1982 on Industrial Property. An industrial design is defined as any combination of lines and/or colours designed to give any industrial or crafts object a special appearance.

The same law further defines an industrial design as any three-dimensional form, whether or not associated with colours, as well as any industrial or crafts object which can be used as a model for the manufacture of other units and which differs from similar objects or forms either by a separate and recognisable configuration giving it a character of novelty, or by one or more external effects giving it a specific and new appearance.







## DRC design registrations

Industrial designs can only be registered in the DRC through the national route with the Directorate of Industrial Property under the Ministry of Industry and SMEs.

### Examination and novelty of designs for the Democratic Republic of the Congo

The Democratic Republic of the Congo does not carry out a substantive examination of design applications. Applications are only examined as to their compliance with the formal requirements.

#### 3.4.1 Who can register?

Any inventor or successor in title can apply to register a design.

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

#### 3.4.2 What are the registration requirements?

A design application must contain the following:

- a simply signed power of attorney;
- the names or trade names and addresses of the holder, the author and, if needed, the agent;
- two identical copies of a specimen or photographic or graphic representation of the claimed object, possibly accompanied by an explanatory caption;
- proof of payment of the fees due at the time of filing per object filed and, possibly, the renewal fees.

#### 3.4.3 What qualifies for registration?

Only original and new designs which are industrially or commercially applicable. A design is new if it has not already been created.

- **new** – a design is considered new if it is not included in the prior art. Prior art comprises everything that was accessible to the public prior to the date of filing or the date of priority of the patent application, through a written or oral description, use or any other means.
- **industrial or commercial applicability** – it must be capable of being





exploited as the subject matter of industry or trade.

Multiple design applications are possible in the Democratic Republic of the Congo, as long as all the designs are embodied in a single set of articles and belong to the same class. The number of designs in a single application should not exceed 100.

#### 3.4.4 What cannot be registered?

- any industrial design that is contrary to public order or morality;
- any industrial design whose form was conceived for a technical or industrial purpose, to such an extent that it is inseparable from the result sought;
- any slavish reproduction or imitation of an industrial design.

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

The Directorate of Industrial Property under the Ministry of Industry and SMEs. The website of the Ministry of Industry and SMEs is not available or not easily accessible.

#### 3.4.6 How much does it cost?

##### Industrial design fees

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

##### Government (official) fees

The fees are published in a statutory instrument. Both local and foreign applicants may pay using the local currency (CDF).

***Please note that all official fees are based on information provided by local practitioners in the DRC. There is no publicly available information on the DRC government website.***

##### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three Directorate of Industrial Property-accredited professionals. More information about practising agents can be found on the DRC Bar Association website.

Likely overall registration costs for an industrial design





An applicant can expect the cost of registering an industrial design to be in the region of the amounts set out in the table below (in USD), unless objections and other special circumstances which increase costs apply.

Type of fee	Official fees inc. tax (USD)
Preliminary search	45
Application and grant fees per design	88
Priority fees	110

### 3.4.7 How long does registration take?

Industrial design applications usually take an average of 3-6 months to complete registration.

### 3.4.8 What is the duration of protection?

An industrial design is protected for 5 years and protection can be renewed once for another 5 years. See Article 119 of the Law.

### 3.4.9 When are renewal fees paid?

Renewal fees must be paid for the second period of 5 years within 6 months from the due date.

#### Design renewal fees

The fees are published in a statutory instrument. Both local and foreign applicants may pay using the local currency (CDF).

***Please note that all official fees are based on information provided by local practitioners in the DRC. There is no publicly available information on the DRC government website.***

The following Directorate of Industrial Property renewal fees are currently applicable:

Second period of 5 years per design

176





### 3.5. GEOGRAPHICAL INDICATIONS (GIs)

#### About GIs in the Democratic Republic of the Congo

GIs are protected under Law No 82-001 of January 7, 1982 on Industrial Property. The law defines a geographical indication as either an appellation of origin or an indication of source. Below are some definitions of note according to the law:

- An **appellation of origin** refers to a specific place – a locality, region or country – used to distinguish one or more products which come from that place and whose characteristics are essentially due to the geographical environment.
- An **indication of source** refers to an expression or any sign used to indicate that one or more products come from a specific geographical place, locality, region or country.

GIs and appellations of origin are registered through the Directorate of Industrial Property. Currently, there is no regional or international registration system through which GIs can be registered for the Democratic Republic of the Congo.

#### 3.5.1 Who can register?

The following can apply for the registration of a GI or Appellation of origin:

- any legally constituted institution; or
- any natural or legal person who exercises a producer activity in the geographical area in question.

A GI application can be made individually by any of the above or jointly with others.

#### 3.5.2 Can European GIs be registered?

European GIs do not appear to be registrable under the current national law.

Foreign designations of origin may only be registered as such within the meaning of the applicable law, within the framework of the application of international conventions to which the Democratic Republic of the Congo is a party and, subject to reciprocity, in the member countries of said conventions.

For information about the protection of the European GIs in African countries, the Organization for an International Geographical Indications Network should be consulted at: <https://www.origin-gi.com/>.





### 3.5.3 What are the registration requirements?

In practice, appellations of origin or indications of source are currently being protected under the DRC's trade mark regime as provided under Article 159 of the Industrial Property

An application for registration of an appellation of origin must include:

- power of attorney, simply signed;
- a signed power of attorney in English or French; notarisation is not required;
- the designation of origin concerned, as well as the related geographical area;
- the list of products intended to be covered by this designation;
- name, nationality and address of the applicant; or full name (as on the Certificate of Incorporation) and address of the company;
- a certified copy of the priority document, if applicable; along with a French translation;
- the prescribed application fees;

### 3.5.4 What qualifies for registration?

Appellations of origin or indications of source capable of distinguishing goods originating from a particular territory, region or locality, or possess characteristics attributed to the territory, region or locality from which the goods come.

### 3.5.5 What cannot be registered?

Appellations of origin or indications of source which are false or contrary to public order or morality may not be protected.

### 3.5.6 Where can I file an application?

The Directorate of Industrial Property under the Ministry of Industry and SMEs. The website is available [here](#)

#### How much does it cost?

There is no information available on official fees for the registration of GIs.







## Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three Directorate of Industrial Property-accredited professionals. More information about practising agents can be found on the DRC Bar Association website: <http://www.onardc.org>

## Likely overall registration costs for a Directorate of Industrial Property Geographical Indication registration

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 USD), unless objections and other special circumstances that may increase the costs apply.

Type of fee	Official (USD)	fees
Application fees for an appellation of origin or geographical indication	250	

### 3.5.7 How long does registration take?

The registration process takes 8-12 months from the filing date to complete, assuming that there are no unusual delays.

### 3.5.8 What is the duration of protection?

Registration of an appellation of origin is valid for 10 years from the date of filing of the application. This period may be renewed indefinitely, for another 10 years subject to the proprietor being in compliant with the requirements stipulated under the Law

The renewal application must comply with the same procedures and formalities as the initial registration process. Upon payment of the renewal fee.

## 3.6 LAYOUT DESIGNS OF INTEGRATED CIRCUITS

It is not possible to obtain protection of layout designs of integrated circuits under the current IP legislation in the Democratic Republic of the Congo. Under the current intellectual property legal framework in the Democratic Republic of the Congo, it is not possible to secure legal protection for the layout designs of integrated circuits. As a result, creators and owners of such designs cannot rely on the country's IP laws to safeguard their work or seek remedies in case of unauthorized use or infringement.





### 3.7. TRADITIONAL KNOWLEDGE AND HANDICRAFTS

The Democratic Republic of the Congo currently does not have a separate law in place for the protection of traditional knowledge. The DRC copyright law (Ordinance-Law No 86-033 of April 5, 1986, on the protection of copyright and related rights) provides for the protection of folklore and handicrafts.

On 10 June 2022, The senate of the Democratic Republic of the Congo adopted a new law on the promotion and protection of the rights of the indigenous pygmy peoples. The law is currently awaiting presidential assent.

#### Folklore and work derived from folklore

The law defines folklore and work derived from folklore as follows:

- **folklore:** artistic, literary or scientific works passed from generation to generation and constituting one of the basic elements of traditional cultural heritage;
- **work derived from folklore:** works composed of elements borrowed from traditional cultural heritage.

The copyright in folklore belongs to the state, which exercises it under the arrangements laid down by the President of the Republic.

The copyright in a work inspired by folklore belongs to the person who created it. See Article 15 of the [Ordinance-Law No. 86-033 on the Protection of Copyright and Neighboring Rights](#).

#### 3.7.1 Who can register?

Since these currently fall under copyright, there are no provisions for the registration of folklore and works derived from folklore. The Ordinance does not explicitly specify the procedure for registering folklore in the Democratic Republic of Congo.

#### 3.7.2 Scope of Protection

The copyright in folklore belongs to the state, which exercises it under the arrangements laid down by the President of the Republic.





The copyright in a work inspired by folklore belongs to the person who created it and is protected in line with the provisions of the copyright law.

### 3.8 COPYRIGHT AND NEIGHBOURING RIGHTS

#### About copyright and neighbouring rights in the Democratic Republic of the Congo

The Democratic Republic of the Congo has a dedicated law for the protection of copyright and neighbouring rights, namely Ordinance Law No 86033 of April 5, 1986, on the protection of copyright and neighboring rights.

##### 3.8.1 Can I register?

The protection of copyright in the Democratic Republic of the Congo is automatic and does not require any formalities, this is in line with the Berne Convention for the Protection of Literary and Artistic Works. Protection is granted to every literary and artistic work no matter what its type, style, form of expression, value or purpose is. For enforcement purposes, the rights holder must provide the means to establish proof of their creation in case of litigation.

##### 3.8.2 What qualifies for protection?

The DRC copyright law protects the copyright in all works of the mind, regardless of the genre, form of expression, merit or purpose. The following in particular shall be considered works of the mind:

- books, pamphlets and other literary, artistic and scientific writings;
- lectures, addresses, pleas, sermons, lessons, statements, commentaries and other works of the same nature in oral, written or recorded form;
- dramatic and dramaticomusical works and theatrical works in general, as well as choreographic works and pantomimes with a fixed production;
- musical compositions with or without lyrics;
- cinematographic works, including works expressed by processes analogous to cinematography;
- newspapers, journals or other publications of the same nature;
- works of drawing, painting, architecture, etching and lithography;





- photographic works, including works expressed by processes analogous to photography;
- works of applied art, whether handicraft or produced on an industrial scale;
- illustrations, maps and three-dimensional works relative to geography, topography, architecture or any other science;
- architectural plans, drawings and models;
- musical arrangements, adaptations, translations and other transformations, provided they have been authorised by the author of the original work when the work is not part of shared cultural heritage;
- collections of literary or artistic works, such as encyclopedias, guides, dictionaries and anthologies which, by reason of the selection and arrangement of their contents, constitute intellectual creations protected as such, without prejudice to the copyright in each of the works forming part of such collections;
- folklore; and
- works derived from folklore.

The title of a work of the mind, provided that it is original, is protected as the work itself, and must always be mentioned with the name of the author when the work is publicly disseminated. This requirement ensures proper attribution, recognizing the author's contribution and maintaining the integrity of the original work.

### 3.8.3 What cannot be protected?

Any work whose subject matter does not qualify for legal protection. This includes the following:

- state works, legally made available for public use in non-profit generating purposes;
- 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 following categories mentioned in section 3.8.2.





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

Permitted acts that do not infringe copyright include:

- reproducing quotations or excerpts of protected works for cultural, scientific, teaching, critical or polemic purposes, as long as the source, title and name of the author are mentioned;
- reproduction of photographs in anthologies intended for teaching use and in scientific works;
- complete or partial dissemination by press or broadcast for the purposes of news, lectures and speeches for the public delivered in political, administrative, judicial or academic gatherings, as well as in public political meetings and official ceremonies;
- reproduction of an architectural work by means of photography, cinematography, television or any other similar procedure, as well as the publication of the corresponding photographs in newspapers, journals and school textbooks;
- reproduction in a film or television programme of figurative works of art that are permanently located in a public place or included in the film or programme in a way that is incidental to the main subject;
- reproducing an article published in a newspaper or journal, as long as the source, title and name of the author are mentioned, unless this article or the periodical in which it is published states that reproduction is prohibited;
- free use of the news of the day or miscellaneous facts having the character of mere items of press information.

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

Unpermitted/restricted acts include:

- reproducing the work by any means whatsoever;
- deformation, mutilation, amendment or, generally speaking, any infringement of the work;
- destruction of the published work;
- any translation, adaptation, transformation or arrangement of any kind;
- any modifications to the work;







- translating, adapting, distributing and converting by any other conversion method applied to the author's work to generate derivative works thereof.

### 3.8.7 What is the duration of protection?

The duration of copyright protection is as follows:

- The term of protection afforded by the law for economic rights in literary, artistic and scientific works shall extend for the lifetime of the author and 50 calendar years from his/her death;
- **pseudonym or anonymous work:** the term of protection shall be 50 years from the first of January of the calendar year following the year when the work is published;
- **posthumous work:** the owners of a posthumous work shall enjoy the right of exploitation for 50 years following the first of January of the calendar year following the year when the work is published, displayed, performed or exhibited for the first time;
- **phonograms and videograms:** the protection afforded to phonograms and videograms or to their copies shall be 25 years from 1 January following the end of the calendar year during which the phonogram or videogram or copies thereof were produced;
- **photographic works:** the term of protection shall be 25 years from publication;
- **collective work:** protection shall last for the entire lifetime of the natural person or legal entity that owns the copyright in the work, and for 50 years following the year of the owner's death or dissolution;
- **collaborative work:** the term of protection for a collaborative work shall extend for the lifetime of each of the collaborators, and 50 years following the death of the last collaborator.

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

Copyright cannot be renewed in the Democratic Republic of the Congo once its term has expired. The work falls into the public domain at the end of the term of protection. The work automatically enters the public domain, where it can be freely used, copied, and distributed by anyone without the need for permission or the payment of royalties. The transition of the work into the public domain ensures that the creative content becomes a shared resource, accessible to the public for various purposes, including education, research, and new creative endeavors





### Links to legislation:

Industrial Property Law:

<https://www.wipo.int/wipolex/en/text/270235>

Copyright Law:

<https://www.wipo.int/wipolex/en/text/270217>

### Links to institutions:

AfCFTA – African Continental Free Trade Area: <https://au-afcfta.org/>

The Directorate of Industrial Property under the Ministry of Industry and SMEs: the website of the Ministry of Culture and Arts in the Democratic Republic of the Congo is not available or not easily accessible.



European  
Commission

**AFRICA**  
IP SME HELPDESK



European  
Commission

**AFRICA**  
**IP SME HELPDESK**

