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**SOUTH SUDAN**





## SECTION 1: COUNTRY OVERVIEW

### 1.1 GENERAL INFORMATION

<b>Capital:</b>	Juba
<b>Population:</b>	10.75 million (World Bank, 2021)
<b>Currency of government (official) fees:</b>	South Sudanese Pound (SSP)
<b>Language for filing IP applications:</b>	Arabic, English
<b>GDP per capita (USD):</b>	1, 071.8 (World Bank, 2015)
<b>Human Development Index:</b>	0.3 (World Bank, 2015)
<b>Main exports:</b>	Crude petroleum, gold, forage crops, onions and scrap iron.
<b>Main imports:</b>	Cars, delivery trucks, other edible preparations, sorghum and raw sugar.

### IP LEGISLATIVE FRAMEWORK

South Sudan is a young independent state. The country gained its independence from Sudan in 2011. As such, the country does not have its own legislation on IP. To date, the country has only signed the World Customs Organisation (WCO), Nagoya Protocol on Access and Benefit Sharing and the East African Community (EAC). The country's IP framework is based on one set of national legislation, the IP laws of the Republic of Sudan.

According to the Transitional Constitution, intellectual property rights in South Sudan are regulated in terms of the Sudanese Laws. The Constitution states that all current Laws of Southern Sudan will remain in force and all current institutions will continue to perform their functions and duties, unless new actions are taken in accordance with the provisions of this Constitution. In its Schedule 'A', the Constitution places intellectual property under the exclusive legislative and executive powers of the National Government. However, Sudanese patents and trade mark registrations are not recognised in South Sudan.

The Ministry of Justice accepts trade mark applications under the provisions of the trade marks act of 1969 that is currently in force in neighbouring Sudan. In principle, registrations, submitted under the 1969 act, will remain valid after the issuance of the new trade mark law of South Sudan. Since the separation of South Sudan, there is no evidence that the operating laws have been updated since then. There is also no evidence of any IP regulatory work going on in South Sudan due to the prevailing political instability.





## 1.2 INTERNATIONAL IP AGREEMENTS AND CONVENTIONS

South Sudan is a contracting state to the following international legal instruments:

- Abuja Treaty establishing the African Economic Community (AEC) of 3 June 1991;
- Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS) to the Convention on Biological Diversity of 29 October 2010.

South Sudan is not a member of the World Trade Organisation (WTO) as well as the WTO's agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

### **International IP agreements and conventions**

- Berne Convention for the Protection of Literary and Artistic Works of 9 September 9 1886;
- Beijing Treaty on Audio-visual Performances;
- Lusaka Agreement establishing the African Regional Intellectual Property Organization (ARIPO) of 9 December 1976;
- ARIPO's Harare Protocol on Patents and Industrial Designs of 10 December 1982;
- Marrakesh VIP Treaty of 27 June 2013;
- Paris Convention for the Protection of Industrial Property of 20 March 1883;
- The Convention Establishing the World Intellectual Property Organization of 14 July 1967;
- The Patent Cooperation Treaty of 19 June 1970;
- Madrid Agreement Concerning the International Registration of Marks of 14 April 1891;
- The Protocol relating to the Madrid Agreement concerning the International Registration of Marks of 27 June 1989;
- Abuja Treaty establishing the African Economic Community (AEC) of 3 June 1991;
- Treaty establishing the Common Market for Eastern and Southern Africa (COMESA) of 5 November 1993.

Sudan is not a member of the World Trade Organisation (WTO) and as such not a party to the TRIPS Agreement so its laws are not TRIPS-compliant. This may have an impact on the effectiveness of some IP enforcement measures.

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





### 1.3 REGIONAL AGREEMENTS

South Sudan 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 South Sudanese legislation.
- **EAC** (East African Community) is a regional intergovernmental organisation of seven Member States, comprising Burundi, Democratic Republic of Congo, 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 so as to contribute to the social, economic, industrial and technological development of the Community.
- **Sudan** is also a member of **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, Democratic Republic of Congo (DRC), Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and Zimbabwe.

### 1.4 LEGAL FRAMEWORK OF IP PROTECTION AVAILABLE IN SOUTH SUDAN

The following IP protection is available in South Sudan through the **Sudanese IP laws**:

- 1) trademarks: national and international (Madrid);
- 2) patents: national and international (PCT);
- 3) utility models: national and regional (ARIPO);
- 4) industrial designs: national and regional (ARIPO);
- 5) expressions of folklore: national;
- 6) copyright and neighbouring rights: national.

### 1.5 IP REGISTRATION ROUTES

IP protection in Sudan can be secured at three levels: national, regional and international.

#### **National**

The six types of IP mentioned above can be protected directly in Sudan by the Registrar General of Intellectual Property of the Ministry of Justice





## Regional

Sudan is a contracting party to ARIPO's Harare Protocol on Patents and Industrial Designs. It is therefore possible to register patents, utility models and industrial designs either nationally through the Sudan IP Office, or regionally through ARIPO.

## International

Sudan is also a contracting party to the Madrid Protocol and the Patent Cooperation Treaty (PCT). It is therefore possible to register international trade marks designating Sudan through the Madrid System. More information is available at: <https://www.wipo.int/madrid/en/>.

### **Choosing a suitable registration route for trade marks, patents, utility models and industrial designs.**

A **national** route is suitable when trade mark protection is required in Sudan only.

A **regional** route through ARIPO is suitable when multi-country protection of the abovementioned IP rights is required.

An **international** route is advisable for trade mark protection only, when protection is required in more countries than are covered by the ARIPO regional trade mark system.

### **Useful information:**

#### **Professional representation**

Foreign applicants whose principal place of business is outside Sudan must appoint a local agent. (For local applicants this is optional.) The Registrar General of Intellectual Property accepts signed powers of attorney without any need for notarisation. However, applicants should check with their IP service provider in Sudan whether hard copies are necessary or scanned copies sent by email are acceptable. A list of ARIPO representatives (by country) is available at: <https://www.aripo.org/ip-agents/>.

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

South Sudan is not a signatory to the WTO and the TRIPS Agreement.

The legal structure for intellectual property rights (IPR) is currently weak and more reliant on Sudanese law. Registrations submitted under the Sudanese law will remain valid after the issuance of the new trade mark law of South Sudan. However, there is currently no available information on the progress that the country has made in the development of IP legislation. To date, the only intellectual property law that has been put forward to be passed by the legislature is the Trademarks Bill of 2013. The law remains at the bill stage.

Enforcement of intellectual rights is significantly difficult. There is also no evidence of any IP regulatory work in South Sudan due to the prevailing political instability. South Sudan does not track or seize counterfeit goods. There has been no known prosecution of IP rights violations, and there are no estimates available for traffic of counterfeit goods.





South Sudan is also not a member of the World Intellectual Property Organization (WIPO).

## SECTION 3: TYPES OF AVAILABLE IP PROTECTION

### 3.1 TRADE MARKS

Currently, trade marks cannot be registered through the ARIPO trade mark system since the country has not yet acceded to the Banjul Protocol on Marks. Although Sudan is a signatory to the Madrid System, it has not amended its national legislation to give effect to the Madrid System's provisions. Therefore, it is not certain whether international registrations designating Sudan can be enforced in the country.

Sudan is not a signatory to the Nice Agreement but uses the Nice Classification. Trade mark applications based on the latest edition of Nice at the time of filing an application are accepted.

National and international trade marks can be registered in South Sudan as explained below.

#### **Benefits of registering a trade mark**

- A registered trade mark gives the owner exclusive rights to use it to market their products and services; it gives the owner protection against others using the same mark or a similar mark without authorisation.
- In the long run, a well-maintained trade mark can build the owner's brand and become an asset to their organisation. This can enable them to expand their business by licensing it to others, franchising or obtaining finance.

#### 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 South Sudan needs a professional representative.

#### 3.1.2 What are the registration requirements?

A trade mark application must contain the following:

- A request for the registration of the mark in the prescribed form;
- full name, nationality and physical address of the applicant; or





- full name, Certificate of Incorporation, certificate of partnership or extract from the Commercial Register, with a verified English translation, and the company's physical address;
- a power of attorney, including a translation into Arabic, either on the letterhead of the applicant, signed and stamped or signed and notarised;
- a list of the goods and/or services, based on the Nice Classification;
- 4 printouts of the trade mark;
- a certified copy of the priority document, if applicable; and
- payment of the prescribed application fee;

### 3.1.3 What qualifies for registration?

Any visible sign used or proposed to be used on, in connection with or in relation to goods for the purpose of distinguishing the goods of one person from those of others. Provided it is not inadmissible, a trade mark may consist of any distinctive sign, including a word, name, pseudonym, device, brand, arbitrary or fanciful designation, heading, label, ticket, signature, letter, numeral, slogan package, emblem container or any combination thereof.

These can either be trade marks or service marks.

### 3.1.4 What cannot be registered?

The following may not be registered:

- marks which consist of shape or forms imposed by the inherent nature of the goods or by their industrial function;
- marks which consist exclusively of a sign or indication which may serve, in the course of trade to designate any particularity, such as quality, quantity, purpose, value and place of origin;
- marks, which have become, in the current language or in the bona fide and established trade practices of the country, a customary designation of the goods concerned;
- marks which are contrary to morality or public order and which, in particular, are calculated to deceive or confuse trade circles or the public as to the nature, the source, the manufacturing process, the characteristics or the suitability for their purpose, of the goods concerned;
- marks which reproduce or imitate armorial bearings, flags and other emblems, initials, names or abbreviations of names of any state or of any intergovernmental international organisation or any organisation created by an international convention, unless authorised by the competent authority of that state or international organisation;





- marks which reproduce or imitate official signs or hallmarks adopted by a State, unless authorised by the competent authority of that State;
- marks identical or similar to emblems of exclusively religious, sectarian or tribal organisation;
- marks that resemble or depict the portrait of a religious or tribal leader or of any sectarian significance.

**Except with the consent of the interested third party the following marks are not registerable:**

- marks which resemble, in such a way as to be likely to mislead the public, a mark already validly filed or registered by a person validly claiming priority, in respect of the same goods, or of other goods in connection with which use of such marks might be likely to mislead the public;
- marks that constitute a reproduction, in whole or in part, an imitation, a translation, or a transcription, likely to mislead the public, a mark that is well known in the country and belongs to a third party;
- marks that infringe other third-party rights or are contrary to the rules for the prevention of unfair competition.

### 3.1.5 Where can I file an application?

- Applications can be filed at the Office of the Registrar General of Intellectual Property, Ministry of Justice. More details can be found on the website: <https://www.ipsudan.gov.sd/indexEng.html>.
- Country designation through the International Bureau (WIPO).

### 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 these fees using the local currency (Sudanese Pound - SDG). Application forms and information on fees are available at: <https://www.ipsudan.gov.sd/>.

#### **Professional fees**

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three national IP-accredited professionals. A list is available at: <https://www.ipsudan.gov.sd/>.







### Likely overall registration costs

An applicant can expect the cost of registering a trade mark to be approximately as shown in the table below (in USD), unless objections and other special circumstances that may increase the costs apply.

Description of Process/ Service	Official Fees (USD)
Application fees in one class	57
Publication fees	19
Registration fees	19

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

#### 3.1.7 How long does registration take?

The total time from filing to registration is approximately 18–24 months assuming that there are no unusual delays. Trade mark applications are examined for compliance with formal and substantive requirements and are published in the official gazette after acceptance. Trade marks may be opposed within 8 months from the date of publication.

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

Protection lasts for 10 years from the filing date and is renewable.

### 3.2 PATENTS

#### South Sudan Patent Registrations

National, regional (ARIPO) and international patents can be registered in Sudan in the following ways.

##### National and Regional

- Applications can be filed at the Office of the Registrar General of Intellectual Property, Ministry of Justice. More details can be found at: <https://www.ipsudan.gov.sd/indexEng.html>.
- All ARIPO member states except Mauritius and Somalia can be designated in an ARIPO patent application. ARIPO's designation system allows an applicant to choose one, some or all of the remaining 20 member states in a patent application. It is therefore also possible to file an ARIPO patent application in which Sudan is designated to achieve national patent protection but through a regional registration system.





## International

- The international bureau (WIPO) under the PCT route designating Sudan.

### Choosing between a national, ARIPO or international patent registration for South Sudan

The decision whether to register a patent in Sudan through the national or ARIPO route is usually guided by the following considerations:

- **whether substantive examination is required or not:** substantive examination of a patent is conducted after the patent application is filed;
- **whether patent protection is required in South Sudan only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- **cost-effectiveness:** ARIPO's centralised regional patent registration system is usually considered to be more cost-effective than a national patent registration approach.

### Choosing between registration routes

Most patent applications for Sudan are registered through ARIPO because it allows applicants to designate more than one country. It is more cost-effective to file a single application in ARIPO and gain patent coverage in two or more ARIPO member states.

## National Patents

### 3.2.1 Who can register a patent?

An 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:

- a signed power of attorney;
- the complete name and address of the applicant and, if the applicant's address is outside Sudan, the indication of an address for service within Sudan;
- a description of the invention with the drawings, if any;
- one or more claims;
- the signed 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?

- Any invention which is new, involves an inventive step and is capable of industrial application will be patentable.
- Any invention constituting an improvement upon a patented invention will be patentable if it is new, involves an inventive step and is capable of industrial application.

A patent must meet the following requirements:

- **novelty** - an invention is new if it is not anticipated by prior art, prior art being constituted by everything disclosed to the public, anywhere and at any time whatsoever, by means of a written or oral disclosure, by use, or in any other way, before the date of the filing of the patent application or the priority date validly claimed in respect of that application;
- **inventive step** - an invention will be considered as involving an inventive step if it does not obviously follow from the state of the art, either as to the method, the application, the combination of methods, or the products which it concerns, or as to the industrial results it produces;
- **capable of industrial applicability** - an invention will be considered as capable of industrial application if it can be manufactured or used in any kind of industry, including agriculture.

### 3.2.4 What cannot be registered?

The following cannot be patented:

- Patents may not be validly obtained in respect of inventions the publication or working of which would be contrary to public order or morality, provided that the working of an invention will not be considered as contrary to public order or morality merely because such working is prohibited by law or regulation.

The following will not be considered as inventions:

- Principles and discoveries of a scientific nature will not be considered to be inventions.

### 3.2.5 Where can I file an application?

National applications, non-Convention, Convention and PCT national phase applications must be filed at the Office of the Registrar General of Intellectual Property, Ministry of Justice.

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





### 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 fees are published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (SDG). Application forms and information on fees are available at: <https://www.ipsudan.gov.sd/>.

#### Professional fees

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three national IP-accredited professionals. A list is available at: <https://www.ipsudan.gov.sd/>.

#### Likely overall registration costs for a Sudan patent

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

Type of Fee	Official Fees (USD)
Application and registration fees	155

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

#### ARIPO-route patent registration fees

Fees must be paid through ARIPO and in USD if an applicant chooses to register a patent in South Sudan using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available at: <https://www.aripo.org/fee-schedules/>.

#### International (PCT) fees

There are basically three types of fees payable to the receiving Office in connection with an international application. These are international filing fees, search fees and transmittal fees. More details about PCT fees can be found at: <https://www.wipo.int/pct/en/fees/index.html>.

#### Note on professional fees

Professional fees vary depending on several factors, such as the level of experience of the professional concerned and the time spent on a task, amongst others. It is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available at: <https://www.aripo.org/ip-agents/>.





### 3.2.7 How long does registration take?

National patent applications are only examined as to compliance with the formal requirements by the Sudan IP Office; there is no substantive examination. Therefore, they take a shorter time to register than ARIPO applications. The usual time frame is 9-15 months on average. It is therefore advisable to check applicable processing time frames before starting the registration process.

Regional-route Sudan applications are substantively examined by ARIPO and take 24–36 months on average to complete registration, assuming that there are no objections.

### 3.2.8 What is the duration of protection?

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

### 3.2.9 When are renewal fees paid?

Renewal fees will be paid in advance each year, starting one year after the filing date. 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: ARIPO-route Sudan patents Renewal fees are payable up to the 19th year. Before payment, it is advisable to confirm the amount of the fees on the ARIPO website as the official fees may change. The latest fees are available at: <https://www.aripo.org/fee-schedules/>.

## 3.3 UTILITY MODELS

There are currently no legal provisions for the protection of national utility models in Sudan. National utility models are treated as national Sudan patents. As such, **the processes and requirements indicated above for patents will also apply to Sudan utility models.**

It is also possible to file an ARIPO utility model application in which Sudan is designated to achieve national utility model protection but through a regional registration system. However, it is advisable to ensure that utility model protection is available in each state that is designated as it may not be possible to enforce rights in a designated state that does not have utility model laws in place.

## 3.4 INDUSTRIAL DESIGNS

### **Industrial Designs and Models in South Sudan**

Industrial designs are protected under Design Law No. 18/1974. Industrial designs are registered without being classified as either aesthetic or functional designs.





## Sudan Industrial Design Registrations

National and regional (ARIPO) industrial designs can be registered in Sudan in the following ways:

### National

National applications are filed at the Office of the Registrar General of Intellectual Property, Ministry of Justice.

### Regional

Regional applications for the Harare Protocol are filed through ARIPO.

It is possible to file an ARIPO design application in which Sudan or any other country is designated to achieve national design protection but through a regional registration system.

### Choosing between a national or regional industrial design registration for Sudan

The decision about whether to register a design in Sudan through the national or ARIPO route is usually guided by the following considerations:

- **whether design protection is required in Sudan only or in multiple jurisdictions:** applicants will usually opt for the ARIPO route if multiple-jurisdiction protection is required;
- **cost-effectiveness:** ARIPO's centralised regional design registration system is usually considered to be more cost-effective than a national design registration approach;
- **time-effectiveness:** time-conscious applicants usually tend to prefer to register their designs through the ARIPO route instead of the national route.

### Examination and novelty of designs for Sudan

Sudan does not carry out a substantive examination of design applications, only formality examination is conducted.

Similarly, ARIPO carries out a formal examination of designs, but member states are given the opportunity to carry out a substantive examination as required by their national laws.

#### 3.4.1 Who can register?

An 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 industrial design application must contain the following:

- a signed power of attorney;
- an application for registration of the industrial design;
- the full name and address of the applicant, and if the applicant's address is outside Sudan, they will state their fixed address;
- a specimen of the material of which the industrial design is made or a photographic picture or sketch drawing of the industrial design in colour, if possible, or an architectural model or any other means of production which is shown by such representation;
- an indication of the method of production of the industrial design, and if the rules provide for classification an indication of the class or classes to which it belongs.
- the signed Deed of Assignment, if the applicant is not the inventor;
- certified copy of the priority document, if claimed. This can be lodged within 2 months from the filing date;
- the prescribed application fees;

### 3.4.3 What qualifies for registration?

Only new industrial designs enjoy legal protection.

A registrable design is any composition of lines or colours formed to give a special appearance to any industrial or handmade product or any plastic form, whether or not it is restricted to colour, on condition that the form or composition can be used as an industrial design or a handicraft design.

Multiple design applications are possible provided that all the designs are embodied in a single set of articles and belong to the same class. The application may contain 1-50 industrial designs if the relevant products are of the same kind or kinds or, if there are rules providing for classification, they are of the same class or classes.

### 3.4.4 What cannot be registered?

- an industrial design that is not new;
- an industrial design whose purpose is solely to achieve a technical result;
- industrial designs that are against the public interest or morals.





### 3.4.5 Where can I file an application?

National applications must be filed at the Office of the Registrar General of Intellectual Property, Ministry of Justice.

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

### 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 fees are published in a statutory instrument. Both local and foreign applicants may pay these fees using the local currency (Sudanese Pound, SDG). Application forms and information on fees are available at: <https://www.ipsudan.gov.sd/>.

#### **ARIPO Official Fees**

Fees must be paid through ARIPO and in USD if an applicant chooses to register a design in Sudan using the ARIPO route. ARIPO's fees are reviewed regularly. The latest fees are available at: <https://www.aripo.org/fee-schedules/>.

#### **Professional fees**

Professional fees vary so it is advisable to obtain comparative quotes of fees from at least three ARIPO-accredited professionals. A list is available at: <https://www.aripo.org/ipagents/>.

### 3.4.7 How long does registration take?

National-route applications usually take an average of 24 months to complete registration. The deadline to file missing documents is 2 months from the date of notification.

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







### 3.4.8 What is the duration of protection?

An industrial design is valid for 5 years from the date of application. Registration of an industrial design may be renewed for two successive 5-year periods after payment of the renewal fees.

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

### 3.4.9 When are renewal fees paid?

Renewal fees must be paid within 6 months from the due date. However, currently there are no prescribed fees for industrial designs in any statutory instrument. Application forms and information on fees can be found at: <https://www.ipsudan.gov.sd/>.

Renewal fees must be paid within the 12 months preceding the period of termination of registration.

In ARIPO, renewal fees are payable within 6 months before the registration period expires. Late payment of the renewal fees is possible within a grace period of 6 months from the due date.

#### **ARIPO Design renewal fees**

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

## 3.5. GEOGRAPHICAL INDICATIONS (GIs)

There are no provisions for the registration and protection of GIs in South Sudan.

## 3.6 LAYOUT DESIGNS OF INTEGRATED CIRCUITS

There are no provisions for the registration and protection of layout designs of integrated circuits in South Sudan.

## 3.7. TRADITIONAL KNOWLEDGE AND HANDICRAFTS

There is currently no legislation in place for the protection of rights arising out of the use and exploitation of traditional knowledge, except for folklore. The Copyright and Neighbouring Rights Protection and Literal and Artistic Works Act, 2013 of Sudan provides for the protection of expressions of folklore.

#### **About Expressions of Folklore**

The national folklore expressions are considered as state public ownership under the authority of the National Council for Copyright and Neighbouring rights and Literary and Artistic works.





### 3.7.1 Who can register?

There are no provisions for registration of national folklore expressions by individuals or communities.

### 3.7.2 Scope of Protection

- no person will copy or distribute folklore expression copies for the purpose of sale or by any other disposition as will transfer ownership or to make public performance or transfer it to public except after obtaining a written permission from the council;
- there will be a reference to the geographical and human base of an exploited folklore expression whenever possible and in the appropriate manner;
- the financial return resulting from exploitation of folklore expression will be allotted to the preservation, collection and support of the same;
- any person may use folklore expressions in such a way as will not be intended for profit or will be made within the traditional or customary frame of folklore expressions or that the use is intended for adaptation or extraction which tends to create a new creative work;
- exclusions and restrictions will apply to folklore expressions after making the necessary changes.

## 3.8 COPYRIGHT AND NEIGHBOURING RIGHTS

### About copyright and neighbouring rights in South Sudan

Sudan has a dedicated law for the protection of copyright and neighbouring rights, namely the Copyright and Neighbouring Rights Protection and Literal and Artistic Works Act, 2013.

### 3.8.1 Can I register?

Copyright is a registrable right in South Sudan in terms of the Copyright and Neighbouring Rights Protection and Literary and Artistic Works Act of 2013. The registration of copyright is voluntary.

### 3.8.2 What qualifies for protection?

Any creative work in the fields of literature, science and arts. This includes the following:

- written works, such as books, magazines, periodical publications, articles and similar works;
- oral work, such as lectures and sermons;





- talks or silent musical work whether accompanied by words or not;
- plays and musical plays or any other drama work;
- works performed by movements, steps, or pantomime shows;
- audiovisual works, such as cinema, or audiovisual television, accompanied by sound or silent;
- works of fine arts, whether they are sculpture, drawings, paintings, decorations or works of applied arts and works of artistic craftsmanship;
- photographic works or similar;
- architectural works;
- computer programs;
- maps of all kinds, portraits, sketches and relief maps relating to geography or topography or science;
- the title of a work, if it is creative.

### 3.8.3 What cannot be protected?

The following works cannot be protected:

- works that are vested in the public domain;
- official documents;
- daily newspapers and different events described as journalist information;
- ideas, procedures and methods of work, mathematics bases, principles, and mere facts, and methods of creation of work.

### 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 copyright works?

Permitted acts that do not infringe copyright include:

- usage for educational purposes;
- quotations from copyright works;





- transfer or copying the articles published in newspapers and periodicals about discussions held about current economic, political, religious or broadcasted works of like nature through newspaper, broadcast, wire transfer to the public;
- copying for legal proceedings;
- use for purposes of news reporting;
- photocopying in libraries;
- publishing by mass media;
- copying of computer programs in case the original is lost or ruined;
- public performance of works;
- imports for personal use.

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

Unpermitted/restricted acts include:

- copying of the work;
- translation of the work, adaptation, musical distribution or making any other modification on the work;
- distributing copies of the work to the public by way of sale or expose for sale or any other act which transfers the ownership;
- hiring computer programs, and this right does not apply unless they are the main object of the hiring;
- public performance;
- transferring the work to the public.

The author of the work may authorise any person to exercise the rights mentioned above provided that the authorisation will be written and authorised by a competent legal body.





### 3.8.7 What is the duration of protection?

The duration of copyright protection is as follows:

- **literary works:** the lifetime of the author (or last surviving author in the case of co-authored works) plus 50 years;
- **audiovisual works:** 50 years from the end of the year in which the work was made available to the public with the consent of the owner of the copyright;
- **sound recording:** 50 years from the end of the year in which the recording was first published;
- **anonymous works or works under a pseudonym:** 50 years after putting the work at the disposal of the public in a legitimate way;
- **photographic and applied art works:** 25 years from the making of the work.

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

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

#### Links to legislation:

Intellectual Property Laws: <https://www.ipsudan.gov.sd/indexEng.html>.

#### Links to institutions:

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

Registrar General of Intellectual Property: <https://www.ipsudan.gov.sd/indexEng.html>.



